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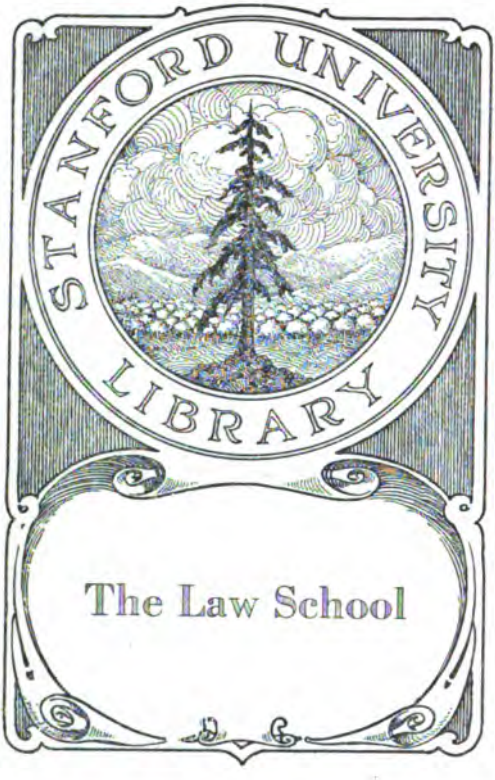

GENERAL AND SPECIAL LAWS

OF THE

STATE OF MINNESOTA,

TOGETHER WITH THE

JOINT RESOLUTIONS AND MEMORIALS,

PASSED DURING THE

THIRD SESSION OF THE STATE LEGISLATURE,

COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE, AND TERMINATING MARCH EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

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GENERAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE THIRD SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE, AND TERMINATING MARCH EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

CHAPTER I.

An Act to amend An Act to provide for the Assessment and Taxation of all Property in this State, and for Levying Taxes thereon according to its true value in money.

SECTION 1. Amendment to Section 2 of the Act approved March ninth, one thousand eight hundred and sixty. Investments in bonds and stocks—money and personal property to be taxed—definition of terms.

2. Amendment to Section 3, in relation to property exempt from taxation.

3. Amendment to Section 4. Persons of full age shall list personal property &c.

4. Amendment to Section 6. Each person to make statement, verified by oath, of all personal property, money, &c.

5. Amendment to Section 7. To fix value on personal property, valuation of—what shall be set forth in the list.

6. Amendment to Section 25. Duties of Assessors.

7. Amendment to Section 27. Assessor to make annual return in tabular form

8. Amendment to Section 29. Assessor to make biennial return.

9. Amendment to Section 35. County Auditor to report annually to State Auditor, a statement of the aggregate value of taxable property in his county

10. Amendment to Section 36. Failure to collect, judgment at law.

11. Amendment to Section 38. Statement to State Auditor biennially.

12. Amendment to Section 39. Rules to govern boards—biennial meeting of the State Board—who shall constitute the State Board.

13. Amendment to Section 48. Duty of County Auditor.

14. Amendment to Section 54. Duties of Presidents, and Cashiers of Banks—manner of listing property.

15. Amendment to Section 56. Definition of terms.

16. Amendment to Section 57. Duty of President and Cashier.

17. Amendment to Section 60. Bankers, brokers, and stock jobbers to make report—time when.

18. Amendment to Section 61. Duty of Auditor concerning banks and bankers.

19. Amendment to Section 68. Duty concerning false statements and failure to list.

20. Repeal of Section 64.

SECTION 21. Amendment to Section 87. Penalty for non-payment of taxes at the close of sale.
22. Amendment to Section 92. Conveyance of unredeemed land.
23. Amendment to Section 93. How and when sold—advertisement before sale.
24. Amendment to Section 94. Lands returned for non-payment of taxes—how and by whom sold.
25. Amendment to Section 99. Purchaser deemed the assignee of the State.
26. Amendment to Section 104. Duty of County Treasurer.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of an Act entitled an Act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, approved March ninth one thousand eight hundred and sixty, shall be amended so as to read as follows:

Definition of terms

Sec. 2. The terms "real property" and "land" wherever used in this Act, shall be held to mean and include not only the land itself, whether laid out in town lots or otherwise, with all things contained therein, but also all buildings, structures and improvements, trees and other fixtures of whatsoever kind thereon and all rights and privileges belonging or in anywise appertaining thereto, including all buildings erected, and improvements made on any lands, the title to which is not in this State or the United States. The term "investments in bonds," wherever used in this Act, shall be held to mean and include all moneys invested in bonds of whatsoever kind, whether issued by incorporated or unincorporated companies, towns, cities, townships counties, states, or other corporations, or by the United States, held by persons residing in this State, whether for themselves or as guardians, trustees or agents. The term "investments in stocks," wherever used in this Act, shall be held to mean and include all moneys invested in the public stocks of this or any other state, or of the United States, or in any association, corporation, joint stock company, or otherwise, the stock or capital of which is or may be divided into shares, which are transferable by each owner without the consent of the other partners or stockholders, for the taxation of which no special provision is made by this Act, held by persons residing in this State, either for themselves, or as guardians, trustees or agents. The term "personal property," whenever used in this Act, shall be held to mean and include—

"Real property" —"Investments in stocks"

First—Every tangible thing being the subject of ownership, whether animate or inanimate, other than money, and not forming part of any parcel of real property as hereinbefore defined. "Personal property," what it includes

Second—The capital stock, undivided profits and all other means, not forming part of the capital stock of every company, whether incorporated or unincorporated, and every share, portion or interest in such stock, profits, or means, by whatsoever name the same may be designated, inclusive of every share or portion, right or interest, either legal or equitable, in and to every ship, vessel or boat, of whatever name or description, used or designed to be used either exclusively or partially in navigating any of the waters within, or bordering on this State, whether such ship, vessel or boat shall be within the jurisdiction of this State or elsewhere, and whether the same have been enrolled, registered or licensed at any collector's office, or within any collection district in this State or not.

Provided, That all improvements made upon lands, the title to which is in this State or the United States, shall be listed as personal property.

The term "money" or "moneys" wherever used in this Act, shall be held to mean and include gold and silver coin and bank notes in actual possession of solvent banks, and every deposit which the person owning, holding in trust or having the beneficial interest therein, is entitled to withdraw in money on demand. "Money or moneys," what it includes

The term "credits," wherever used in this Act, shall be held to mean the excess of the sum of all legal claims and demands, whether for money or other valuable thing, or for labor or service due, or to become due to the person liable to pay taxes thereon, including deposits in banks, or within or out of this State other than such as are held to be money as hereinbefore defined by this section, when added together, (estimating every such claim or demand at its true value in money) over and above the sum of legal bona fide debts owing by such person. But in making up the sum of such debts owing, there shall be taken into account no obligation to any mutual insurance company, nor any unpaid subscription to the capital stock of any joint stock company, nor any subscription for any religious, scientific, literary, or charitable purpose; nor any acknowledgment of any indebted- "Credits," what held to mean

ness unless founded on some consideration actually received and believed at the time of making such acknowledgment to be a full consideration therefor; nor any acknowledgment of debt made for the purpose of diminishing the amount of credits to be listed for taxation; nor any greater amount or portion of any liability as surety, than the person required to make the statement of such credits believes that such surety is in equity bound, and will be compelled to pay, or contribute, in case there be no securities; *Provided*, That pensions receivable from the United States or from any of them, salaries or payments expected to be received for labor or services to be performed or rendered, shall not be held to be annuities within the meaning of this Act.

SEC. 2. That section three (3) of said Act be amended so as to read as follows:

Property exempt from taxation

Sec. 3. That all property described in this section to the extent herein limited shall be exempt from taxation, that is to say:

School houses and houses for public worship

First—All public school houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit. All public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning not used with a view to profit. This provision shall not extend to leasehold estates of real property, held under the authority of any college or university of learning in this State.

Graveyards

Second—All lands used exclusively as graveyards or grounds for burying the dead, except such as are held by any person or persons, company or corporation, with a view to profit, or for the purpose of speculation in the sale thereof.

Public property

Third—All property whether real or personal belonging exclusively to the State or the United States.

County buildings

Fourth—All buildings belonging to counties used for holding courts, for jails, for county offices, with the ground not exceeding in any county ten acres, on which such buildings are erected.

County or township lands

Fifth—All lands, houses and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor.

Sixth—All buildings belonging to institutions of purely public charity, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions, and all lands owned and occupied by agricultural societies not leased or used with a view to profit, not exceeding three hundred and twenty acres. Charitable institutions

Seventh—All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town, or to any fire company organized therein. Fire engines and appurtenances

Eighth.—All market houses, public squares or other public grounds, town or township houses or halls, used exclusively for public purposes, and all works, machinery or fixtures belonging to any town, and used exclusively for conveying water to such towns. Market houses

Ninth—Each individual in this State may hold exempt from taxation personal property of any description of which such individual is the actual owner, not exceeding one hundred dollars in value; no person shall be required to list a greater portion of any credits than he believes will be received, or can be collected, nor any greater portion of any obligation given to secure the payment of rent, than the amount of rent that shall have accrued on the lease, and shall remain unpaid at the time of such listing; no person shall be required to include in his statement as a part of the personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation, which is required to list or return its capital and property for taxation to the State. Individual property, $100 exempt from taxation

SEC. 3. That section four (4) of said Act be amended so as to read as follows:

Sec. 4. Every person of full age and sound mind, not a married woman, shall list the personal property of which he is the owner, and all money in his possession; and he shall also list all moneys loaned or otherwise controlled by him as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited subject to his or- Persons of full age shall list personal property

der, check or draft, and credits due from or owing by any person or persons, body politic, whether in or out of such county. The property of every ward shall be listed by his guardian; of every minor, child, idiot or lunatic, having no other guardian, by his father, if living; if not, by his mother, if living; and if neither father or mother be living, by the person having such property in charge; of every wife by her husband, if of sound mind; if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of every estate of a deceased person, by the executor or administrator; of corporations whose assets are in the hands of receivers, or every company, firm, body politic or corporate, by the president or principal accounting officers, partner or agent thereof; and the personal property of every non-resident shall be listed by the agent of such non-resident, or by the person having the same in possession, or having the care or control thereof.

Property listed by agents and property owned in different towns

Every person required to list property in behalf of others, by the provisions of this act, shall list it in the same township in which he would be required to list it if such property were his own; but he shall list it separately from his own, specifying in each case the name of the person, estate, company or corporation, to whom it belongs, and all real property, and merchants' and manufacturers' stock, and all the articles enumerated in the seventh section of this act, and all personal property upon farms, and real property not in towns, shall be returned for taxation, and taxed in the township and towns in which it is situated; and all other personal property shall be entered for taxation in the township and town in which the person charged with the tax thereon resided at the time the list thereof was taken by the assessor, if such person reside in the county where such property was listed; and if not, then such property shall be entered for taxation and taxed in the township where situated when listed, anything in this Act to the contrary notwithstanding.

SEC. 4. That section six (6) of said Act be amended so as to read as follows:

Sec. 6. Each person required by this act to list property, shall make out and deliver to the assessor, when required, or within ten days thereafter, a statement ver-

ified by his oath or affirmation, of all the personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, in his possession, or under the control of such person at the time notice was given him by the assessor to make out such statement, and which by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor. *Provided*, That every person shall list as before provided, all his personal property, both exempt as well as unexempt property, and the county auditor shall deduct from the property selected by the owner, the amount exempt from taxation by the provisions of this Act, and levy tax upon the remainder.

Statement verified by oath of all the personal property, etc.

SEC. 5. That section seven (7) of said Act be amended so as to read as follows:

To fix valuation on personal property—valuation of—what shall be set forth in the list

Sec. 7. Such statement shall truly and distinctly set forth:

First—The number of horses and the value thereof.

Second—The number of neat cattle, and the value thereof.

Third—The number of mules and asses, and the value thereof.

Fourth—The number of sheep and the value thereof.

Fifth—The number of hogs and the value thereof.

Sixth—Every pleasure carriage of whatsoever kind, and the value thereof.

Seventh—The total value of all other articles of personal property which such person is by this act required to list; *Provided*, That if such person shall exhibit to the assessor the animals or other articles of personal property above enumerated, the value of such property so exhibited may be omitted in such statement, as the assessor shall in such cases determine their value without requiring the oath of the person making such statement as to the value thereof, and such person shall in that case be required only to make oath or affirmation to the value of the remainder of the personal property which he is required to list.

Assessors may determine value

Eighth—Every gold and silver watch, and the value thereof.

Ninth—Every piano forte, and the value thereof.

Tenth—The value of the goods and merchandise which such person is required to list as a merchant.

Eleventh—The value of the materials and manufactured articles which such person is required to list as a manufacturer.

Twelfth—The value of money and credits required to be listed, including all balances of book accounts.

Thirteenth—The value of the moneys invested in bonds, stocks, joint stock companies, or otherwise, which such person is by this Act required to list.

SEC. 6. That section twenty-five (25) of said Act be amended so as to read as follows:

Duties of Assessors

Sec. 25. It shall be the duty of each assessor to ascertain and set down opposite each tract of land in the assessment roll furnished them by the county auditor, the value thereof, and when he shall deem it necessary to obtain a more accurate description of any tract or lot in his district, he may require the owner or occupant thereof to furnish the same, with any title papers he may have in his possession; and if such owner or occupant, upon demand made for the same, shall neglect or refuse to furnish a satisfactory description of such parcel of real property to such assessor, he may employ a competent surveyor, to make out a description of the boundaries and location thereof, and a statement of the quantity of land therein, and the expense of such survey shall be returned by such assessor to the auditor of his county, who shall add the same to the tax assessed upon such real property; and it shall be collected by the treasurer of the county with such tax, and when collected shall be paid on demand to the person to whom the same is due; and he shall in all cases from actual view, and from the best sources of information within his reach, determine as near as practicable the true value of each separate tract of real property in his district, according to the rules prescribed by this act for valuing real property; and he shall note in his plat book, separately, the value of all houses, mills and other buildings which exceed one hundred dollars in value, or any tract of land other than town lots, which shall be carried out as a part of the value of such tract; he shall also enter on his plat book the number of acres of arable or plow land, the number of acres of wood and uncultivated land as near as may be.

SEC. 7. That section twenty-seven (27) of said Act be amended so as to read as follows:

Sec. 27. Each assessor shall, on or before the first Monday in August, one thousand eight hundred and sixty, and every second year thereafter, make out and deliver to the auditor of his county, a return in tabular form, contained in a book to be furnished him by such auditor, of the amount, description and value of real property subject to be listed for taxation in his district, which return shall contain: Assessor to make annual return in tabular form

First—The names of the several persons, companies or corporations in whose names the several tracts of real property, other than town property, in each township within his district, shall have been listed; and in appropriate columns opposite each name, a description of each tract, designating the number of acres, the number of section, and the part thereof, and the township or survey listed in such name, and the value of each separate tract as determined by the assessor. What to contain

Second—The names of the several persons, companies and corporations in whose names the several lots of real property in each town in his district shall have been listed; and in the appropriate columns opposite each name, the description of each lot and the value thereof, as determined by the assessor; and such description shall designate the town and the number of the lot, and the part thereof; and if part of a lot is listed, it shall state the number of feet on the principal street on which it abutts. If the name of the owner of any tract of land or lot shall be unknown, the word "unknown" shall be entered in the column of names opposite said tract or lot.

Sec. 8. That section twenty-nine (29) of said Act be amended so as to read as follows:

Sec. 29. The county auditors of each county shall, as soon as practicable after the first day of May, one thousand eight hundred and sixty, and every second year thereafter, make out and deliver to the assessor of each township, incorporated town, ward or city in his county, an assessment roll compiled from the books in his office, containing a description of each tract and lot of real property situate within such township, incorporated town, ward or city, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein, as the same shall appear on his books; and also a map of each township and town with- Assessor to make biennial return

in such district, with such plat books as may be necessary to enable the assessor to make a correct plat of each section, survey and tract in his district.

SEC. 9. That section thirty-five (35) of said Act be amended so as to read as follows:

Sec. 35. Each county auditor shall make out and transmit to the Auditor of State, before the last day of December annually, a statement of the aggregate value of the taxable property in his county, and of the total amount of taxes for all purposes assessed thereon for that year, and he shall make out and transmit by mail to the Auditor of State, on or before the first day of January in each year, a complete abstract of the duplicate of his county; he shall also at the same time make out and transmit to the Auditor of State an abstract of the number and value of each of the enumerated articles, the value of merchants' and manufacturers' stock, and the value of all other personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, and the value of all other articles of personal property as returned by the township assessors, or as fixed by the county board of equalization; said abstracts shall be made out in such form as the Auditor of State shall prescribe.

County Auditor to report annually to State Auditor

SEC. 10. That section thirty-six (36) of said Act be amended so as to read as follows:

Sec. 36. If the county treasurer shall be unable to collect, by distress or otherwise, the taxes which have been or hereafter shall be assessed upon the personal property of any person or corporation, or any executor, administrator, guardian receiver, accounting officer, agent or factor, such treasurer shall apply to the clerk of the district court in his county, at any time after his annual settlement, on the last day of February, with the county auditor, and said clerk shall cause a notice to be served upon such person, corporation, executor, administrator, guardian, receiver, accounting officer, agent or factor, requiring him forthwith to show cause why he should not pay such taxes; and if he shall fail to show a sufficient cause, said court, at the term to which said notice is returnable, shall enter a rule against him for the payment of such taxes, and the cost of such proceeding, which rule shall have the same force and effect as a judgment at law, and be enforced by attachment or execution, or such process as may be directed by the court.

Failure to collect judgment at law

SEC. 11. That section thirty-eight (38) of said Act be amended so as to read as follows:

Statements to State Auditor biennially

Sec. 38. Each county auditor shall, on or before the first Monday of October, one thousand eight hundred and sixty, and every second year theieafter, make out and transmit to the Auditor of State, an abstract of the real property of each township in his county, which shall set forth:

What to set forth

First—The number of acres, exclusive of town lots, returned by the several assessors in his county, with such additions as shall have been made thereto.

Second—The aggregate value of all such real property other than town lots, as returned by the several assessors of his county, inclusive of such additions as shall have been made thereto, under the provisions of this act.

Third—The aggregate value of the real property in each town in his county, as returned by the several assessors, with such additions as shall have been made thereto.

SEC. 12. That section thirty-nine (39) of said Act be amended so as to read as follows:

Rules to govern boards—biennial meeting of the State Board—who shall constitute said board

Sec. 39. The Governor, Secretary of State, State Auditor, State Treasurer and Attorney General shall constitute and be a State Board of Equalization; said board shall meet at the capital of the State on the first Monday of October, in the year one thousand eight hundred and sixty, and every two years thereafter, to equalize the value of real property among the several counties in this State, in the manner hereinafter prescribed:

First—They shall add to the aggregate value of the real property of every county which they shall believe to be valued below its true value in money, such per centum, in each case, as will raise the same to its true value in money.

Second—They shall deduct from the aggregate valuation of the real property of every county which they shall believe to be valued above its true value in money, such per centum, in each case, as will reduce the sum to its true value in money.

Third—If they shall believe that right and justice require the valuation of the real property of any town or towns in any county, or of the real property of such county not in towns, to be raised, or to be reduced, without raising or reducing the other real property of such

county, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, or of property not in towns, such per centum as they shall believe will raise or reduce the same to its true value in money.

Fourth—They shall not reduce the aggregate value of all the property of the State as returned by the county auditor, more than one per centum on the whole valuation thereof.

Fifth—Said board shall keep a full record of their proceedings and orders.

SEC. 13. That section forty-eight (48) of said Act be amended so as to read as follows:

Duty of County Auditor

Sec. 48. The delinquent list shall be recorded by the county auditor immediately after his annual settlement with the county treasurer in February, an abstract of which, in such form as the Auditor of State shall prescribe, shall be sent to his office with the settlement sheet of the county treasurer, and no taxes returned delinquent shall be paid into the State treasury except by the county treasurer.

SEC. 14. That section fifty-four (54) of said Act be amended so as to read as follows:

BANKS AND BANKING COMPANIES.

Duties of Presidents and Cashiers of banks—manner of listing property

Sec. 54. It shall be the duty of the president and cashier of every bank or banking company that shall have been or may hereafter be incorporated by the laws of this State, and having the right to issue bills for circulation as money, to make out and return under oath in the manner hereinafter directed, during the month of June, annually, a written statement containing:

First—The average amount of notes and bills discounted or purchased by such bank or banking company, which amount shall include all the loans or discounts of such bank or banking company, whether originally made or renewed during the year aforesaid, or at any time previously, whether made on bills of exchange, notes, bonds, mortgages, or any other evidence of indebtedness, (at their actual value in money,) whether previous to, during or after the period aforesaid; and on which such bank or banking company has at any time reserved or received, or is entitled to receive, any profit or other consideration whatever, either in the shape of interest, discount, exchange or otherwise.

Second—The average amount of all moneys, effects or dues of every description, belonging to such bank or banking company, loaned, invested or otherwise, used or employed with a view to profit, or upon which such bank or banking company receives or is entitled to receive interest; *Provided, however*, That the average amount of the specie funds of every such bank kept on hand with a view of redeeming its circulation and meeting its accruing liabilities to depositors, and also the average amount of the balances due from other banks upon which no interest, profit or consideration is reserved or received, shall be excluded in the above estimates of the taxable property of each bank required to be made and returned as aforesaid.

SEC. 15. That section fifty-six (56) of said Act be amended so as to read as follows:

Definition of terms

Sec. 56. Every person who shall have money employed in the business of dealing in coin, notes or bills of exchange, or in the business of dealing in, or buying, or shaving any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds or other writing obligatory, or stocks of any kind or description whatsoever, shall be held to be a banker, broker or stock jobber; and in making out their statement for taxation as required by the sixtieth section of this act, shall include in his statement the average value estimated as provided in the fifty-fourth and fifty-fifth sections of this act, of all moneys, notes, bills of exchange, bonds, stocks or other property appertaining to his business as a banker, broker or stock jobber, which he shall have had from time to time in his possession or under his control, during the next year previous to the time of making such statement, if so long he shall have been engaged in such business, and if not, then during the time he shall have been so engaged.

SEC. 16. That section fifty-seven (57) of said Act be amended so as to read as follows:

Duty of President and Cashier

Sec. 57. The president and cashier of every bank, organized under any law of this State, shall during the month of June in each and every year, make the written statement required by the fifty-fourth and fifty-fifth sections of this Act, to the auditor of State. In case the president and cashier refuse or omit to make such statement, the auditor of State shall ascertain the amount so

required to be returned by the president and cashier, from the last quarterly returns made by such bank to his office, to which he shall add fifty per cent. The auditor of State shall proceed to assess thereupon the amount of taxes for the various purposes assessed upon property in the locality where the said bank has its office, of which assessment the auditor shall give notice to the president and cashier of any such bank. On the twentieth day of January in each year, it shall be the duty of the auditor to draw in favor of the treasurer of State upon each and every such banking company, for the amount of taxes so assessed, which draft it shall be the duty of the said president and cashier to pay forthwith into the State Treasury. And no taxes shall be collected from any bank organized under any law of this State, in any other manner than provided in the fifty-seventh and fifty-eighth sections of this Act; *Provided*, That in all cases where any organized bank has paid the tax of eighteen hundred and sixty into any county treasury, and taken a receipt therefor, such receipt shall be received by the State Auditor in full payment for the draft above specified.

SEC. 17. That section sixty (60) of said Act be amended so as to read as follows:

To make report —time when

Sec. 60. All such bankers, brokers, and stock jobbers as are described in the fifty-sixth section of this Act, shall annually, during the month of June, make out and return to the auditor of the county in which the office of such banker, broker, or stock jobber may be situated, a statement as provided in the fifty-fourth and fifty-fifth sections of this act.

SEC. 18. That section sixty-one (61) of said Act be amended so as to read as follows:

Duty of Auditor concerning banks and bankers

Sec. 61. It shall be the duty of the auditors of the several counties, in which the office of one or more such bankers, brokers or stock jobbers as are mentioned in the preceding section, may be situated, upon receiving the statement provided for in the fifty-fourth and fifty-fifth sections of this Act, to enter the same for taxation upon the duplicate of the proper county, and upon the city duplicate for city taxes, in cases where such city tax is not returned upon the grand duplicate, but is collected by city officers, which amount so returned and entered, shall be taxed for the same purposes, and to the same extent that personal property is now or may be taxed, in

the place where the office of such banker, broker, or stock jobber is situated; and such tax shall be collected and paid over in the same manner that taxes on other personal property are required by law to be collected and paid over.

SEC. 19. That section sixty-two (62) of said Act be amended so as to read as follows:

Duty concerning false statements and failure to list

Sec. 62. Each auditor of any county, within the limits of which the office of such banker, broker, and stock jobber may be located, shall, in case of the president, cashier, or other accounting officer of such banker, broker, or stock jobber, as are mentioned in the preceding section, refuse or neglect to make out and deliver to the auditor, the statement required in the fifty-fourth and fifty-fifth sections of this act, enter upon the duplicate of the proper county, for taxation as aforesaid, as the amount of capital, fifty per cent. in addition to the amount of the capital stock of such banker, broker, or stock jobber; and in order to ascertain the average amount of notes and bills discounted or purchased, and all other moneys, effects, or dues of every description, belonging to such banker, broker, or stock jobber, loaned, invested, or otherwise used or employed, with a view to profit, or upon which such banker, broker, or stock jobber, receives, or is entitled to receive interest, such auditor is authorized to take or procure to be taken, the testimony of such of the officers, or other persons known or supposed by him to be conversant with the affairs of such banker, broker, or stock jobber, as may enable him to ascertain the amount upon which such banker, broker, or stock jobber should be taxed, agreeably to the provisions of the fifty-fourth and fifty-fifth sections of this Act, to which amount, when so ascertained, he shall add fifty per cent., which amount he shall then enter upon the duplicate for taxation, as prescribed by this Act: *Provided*, That in cases where city taxes are assessed and collected by city authorities, the taxes upon banks for city purposes shall be assessed and collected the same as city taxes.

Section 64 repealed

SEC. 20. That section sixty-four (64) of said Act is hereby repealed.

SEC. 21. That section eighty-seven (87) of said Act be amended to read as follows;

Sec. 87. That all lands upon which the taxes for the year 1860, and for any year thereafter, shall not be paid

Penalty for non-payment of taxes

at the close of the sale of lands for taxes in June of each year, shall be charged, in addition to such taxes, a penalty of thirty per cent thereon, which penalty shall attach the day after the close of said sale, and all penalties and interest on any delinquent taxes when paid, shall be distributed as follows: One half of said penalty shall go to the school fund of said county, and the other half thereof to the county fund—and any person desiring to redeem any land or any town lot hereafter or heretofore sold or forfeited to the State for said taxes of 1860, or any year thereafter or previous thereto, shall apply to the county auditor, who shall give him a certificate of the amount of such tax, with costs and penalties then due thereon, and upon payment of such tax, costs and penalties, into the county Treasury, such certificate so given by the said auditor shall be the evidence of the redemption of such land or town lot.

SEC. 22. That section ninety-two (92) of said Act be amended so as to read as follows:

Conveyance of unredeemed land

Sec. 92. All unredeemed lands heretofore or hereafter sold for taxes, which shall remain unconveyed through a failure to give the requisite notice after the expiration of the time for the redemption within the period prescribed by law, may be conveyed to the parties entitled thereto, upon the auditor at any time giving such notice, with the same effect as if the period fixed therefor had not expired.

SEC. 23. That section ninety-three (93) of said Act be amended so as to read as follows:

How and when sold—advertisement before sale

Sec. 93. That the lands, in-lots, out-lots, and parts of lots within the several counties of this State, which have become forfeited to the State for the non-payment of taxes, and all lands which may hereafter become forfeited to the State by the non-payment of taxes, or otherwise, shall be sold and disposed of by the State of Minnesota agreeably to the provisions of this Act. The auditor of State shall, on or before the first day of October, in the year 1862, and every two years thereafter, make out and forward to the several county auditors an order instructing them to sell all the lands which have become forfeited as aforesaid, and the county auditors, upon receiving the order aforesaid, shall proceed to sell the said forfeited lands, agreeably to the provisions of this Act, and all lands offered for sale under the provisions of this Act, and not

sold for want of bidders, shall be again advertised and offered for sale by the county auditor at the next subsequent sales by him made under this act, until such lands shall be sold.

SEC. 24. That section ninety-four (94) of said Act be amended so as to read as follows:

Sec. 94. That the auditor of each county, on receiving from the auditor of State, the order for the sale of lands within his county as aforesaid, in case the tax, interest and penalty due thereon shall not have been paid, on or before the fifteenth day of November next ensuing, shall forthwith thereafter, cause notice thereof to be advertised four weeks successively, describing the lands in the same manner they are described on the books in his office, in a newspaper published in his county, the list furnished by the auditor of State, in a newspaper printed in his county, if any such there be, and if not, in some newspaper in circulation therein, to all concerned, that if the tax, interest and penalties charged on said list, be not paid into the county Treasury, and the treasurer's receipt therefor produced before the time specified by this Act for the sale of said lands, (which day shall be named in said notice,) that then, and in that case, each tract so as aforesaid delinquent, on which the taxes, interest and penalties may remain unpaid, will, on the second Monday of January thereafter, be exposed for sale at the court house or usual place of holding courts in such county, in order to satisfy such tax, interest and penalties; and the auditor in each county shall on the said second Monday in January, attend at the court house or usual place of holding courts in said county, and proceed to sell the whole of each tract of land as contained in said list, at public auction to the highest bidder; in selling whereof, he shall offer each tract separately, beginning with the first tract contained in said list and so continue on through said list until each tract contained therein, shall be sold.

Lands returned for non-payment of taxes—how and by whom sold

The county auditor is hereby authorized to adjourn the sale therein specified, from day to day until he shall have disposed of or offered for sale each and every tract of land specified in the notice; and the notice of sale required by said Act to be given, shall set forth that the sale will be so continued. *Provided*, That nothing in this section shall be so construed as to prevent said aud-

May adjourn sale from day to day

nor from offering, in his discretion, any tract of land two or more times at the same sale.

SEC. 25. That section ninety-nine (99) of said Act be amended so as to read as follows:

Purchaser deemed the assignee of the State

Sec. 99. That the purchaser of any such lands, his heirs or assigns, shall from the day of such purchase, be taken in all courts as the assignee of the State of Minnesota; and the amount of taxes, interest and penalties, charged on the said land at the time it was sold, together with all legal taxes afterwards paid thereon by such purchaser, his heirs or assigns, shall operate as a lien on said lands, and may be enforced as any other lien in all cases where any claimant of any lands which may hereafter be sold for the non-payment of taxes under any law of the State, his heirs or assigns, shall recover by action or otherwise the land so sold as aforesaid for taxes, such claimant, his heirs or assigns, shall be liable to refund to the purchaser, his heirs or assigns, the amount of taxes, interest and penalties due to the State on the land when sold, together with all other taxes paid thereon by such purchaser, with interest; to be recovered by action or counter claim, or otherwise as the case may require; and the same shall be required to be paid to the person or persons entitled thereto, before such person or persons shall be evicted or turned out of possession by any claimant recovering, by action, the land sold for taxes; *Provided*, That a tax deed shall be *prima facia* evidence in cases of a legal and valid title in the party holding the same, or his assigns.

SEC. 26. That section one hundred and four (104) of said Act be amended so as to read as follows:

Duty of County Treasurer

Sec. 104. That the county treasurers of the respective counties in this State, shall, on or before the first day of May, one thousand eight hundred and sixty, prior to which time no distress or levy shall be made for the collection of the taxes of one thousand eight hundred and fifty-nine, as prescribed by statute heretofore existing, make his returns to the county auditor of his county as prescribed by this Act. And the county auditors of the respective counties, shall return the same to the auditor of State as prescribed by this Act, and the same proceedings shall be had for the sale of property and the collection of said taxes as is prescribed for the collection of taxes levied under the provisions of this Act; and the

redemption of all lands heretofore sold for delinquent taxes shall be made under and in pursuance of the provisions of this Act, and the several county treasurers shall be liable in the same manner for moneys so recieved by them as for any other moneys received pursuant to the provisions of this Act; and the county auditors are hereby authorized and empowered to assign any certificate of tax sale, and to convey and transfer to any party, all the right title and interest which his county has acquired in or to any real property by virtue of any tax sale, upon payment of the amount for which said land was bid off, and all subsequent taxes, interest and penalty which have accrued thereon, and such assignment and transfer shall vest in the party paying the same, all the right, title and interest which the county has acquired by virtue of any levy and sale for taxes.

Approved March 12th, A. D. 1861.

CHAPTER II.

An Act to amend An Act Prescribing the Duties of County Auditors.

SECTION 1. Amendment to Section 8 of the Act approved March sixth, one thousand eight hundred and sixty. Who deemed eligible to office.
2. Amendment to Section 14. When to make return of assessment roll.
3. Amendment to Section 17. Duty of Auditor and Treasurer in transfer of land in certain cases.
4. Amendment to Section 21. Auditor to settle with Treasurer in February and October.
5. Amendment to Section 22. Auditor to keep account with each township, city, village or school district, and give order on Treasurer for taxes collected due each.
6. Amendment to Section 32. Lien of State thereon for taxes then due shall be transferred.
7. Amendment to Section 38. Lands offered and not sold to be forfeited to the State.
8. Amendment to Section 39. Lands forfeited to the State may be redeemed.
9. Amendment to Section 42. Sale void if erroneously made.
10. Amendment to section 44. County Auditors' fees in certain cases.
11. Amendment to Section 46. To transfer lands on duplicate to names of purchasers at tax sale—penalty for neglect.
12. Amendment to Section 47. Delinquent list to be published—time when.
13. Amendment to Section 49. Duty of Auditor to compare the list with duplicate before publication.
14. Amendment to Section 50. Duty in case of neglect to publish delinquent list.
15. Act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eight (8) of an Act prescribing

the duties of county auditors, and approved March 6th, 1860, be amended so as to read as follows:

Who deemed eligible to office

Sec. 8. No judge of the supreme court or of the district court, county commissioner, county surveyor or county treasurer, shall be eligible to the office of county auditor.

Sec. 2. That section fourteen (14) of said Act be amended so as to read as follows:

When to make return of assessment roll

Sec. 14. The county auditor shall annually, on or before the first Monday of May, make out and deliver to the assessor an assessment roll of all lands and town lots within his county, which are found from his knowledge, or from the certificate of the Auditor of State, to have become subject to taxation, and which have not been appraised for that purpose, directing such assessor to assess the same, and make return thereof to him on or before the first Monday of August ensuing.

Sec. 3. That section seventeen (17) of said Act be amended so as to read as follows:

Transfer of land in certain cases

Sec. 17. When the transfer of any land or town lot, or any part thereof, shall become necessary by reason of a sale or conveyance by deed, and such conveyance shall be for the entire tract or lot, or part thereof, as charged on the duplicate, such transfer shall be made by the county auditor, upon presentation of such deed by the purchaser or his agent; and in case such conveyance shall be for less than the whole tract or lot, or part thereof, as charged on the duplicate, said county auditor shall transfer the same whenever the seller and purchaser shall agree thereto in writing, signed by them, or personally before the auditor shall agree upon the amount of valuation to be transferred therewith; but if the seller and purchaser cannot agree as to the amount of valuation to be transferred, the auditor shall place said portion of land or lot on the list, to be by him made according to the sixteenth section of this act; and the value thereof shall be ascertained and returned by the assessor in the same time and manner of other lands contained in said list. And such auditor shall indorse on all deeds (purporting to be deeds of conditional or unconditional conveyance of real estate,) which may be presented to him for transfer, the evidence in writing, with his signature thereto, of the proper entry of such transfer having been made according to law, in his office, unless the same shall be

for lands not entered for taxation on the books of the county auditor, in which case he shall endorse thereon, "not entered for taxation," and it shall be the duty of each register of deeds, before recording such deeds, to require the endorsement to be made as aforesaid, at the expense of the party interested; *Provided*, That if the county auditor shall be satisfied that the proportion of the valuation so agreed to be transferred is greater than the proportional value of the land or lot to be transferred therewith, and that such agreement was made by collusion of the parties, and with a view fraudulently to evade the payment of any taxes which might be legally assessed on the entire tract or lot, he may refuse to make such transfer; and when any such transfer has already been procured by such fraudulent agreement, the same shall be cancelled by the auditor, and the land or lot so transferred shall be charged with taxes in the same manner as though said transfer had not been made.

Shall ascertain whether all taxes are paid

And the auditor shall at the same time ascertain whether or not all taxes are paid on the land or real property described in said deed or deeds, and shall enter upon said deed, also over his signature the words "taxes paid," or "taxes not paid," as the case may be, and when the entry "taxes not paid" is so made upon any deed, the register of deeds, when such deed is presented for filing, and to be recorded, shall refuse to receive or record the same, and any violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor; and upon the conviction thereof, such party shall be punished by a fine not exceeding one hundred dollars.

SEC. 4. That section twenty-one (21) of said Act be amended so as to read as follows:

Settlement with Treasurer—time when

Sec. 21. The county auditor shall attend at his office on or before the last day of February, and also on or before the 10th day of October, annually, to make settlement with the treasurer of his county, and ascertain the amount of taxes with which such treasurer is to stand charged; and the auditor shall, at each February settlement, take from the duplicate previously put into the hands of the treasurer for collection, a list of all such taxes as such treasurer shall have been unable to collect, therein describing the property on which said delinquent taxes are charged, as the same is described on such duplicate, and shall note thereon in a marginal column, the

several reasons assigned by such treasurer why such taxes could not be collected; and such last mentioned list shall be signed by the treasurer, who shall testify to the correctness thereof, under oath or affirmation, to be administered by the auditor; and in making such list, the delinquencies of each township shall be kept separate and distinct; and after deducting the amount of taxes so returned delinquent and the collection fees allowed the treasurer, from the several taxes charged on the duplicate, in a just and ratable proportion, the treasurer shall be held liable for the balance of such taxes; and the auditor shall certify in the manner required by law, the balance due to the State, the balance due to the county, the balance for road purposes, and the balance due to the townships, and shall forthwith record such list of delinquencies in his office.

SEC. 5. That section twenty-two (22) of said Act be amended so as to read as follows:

Sec. 22. The county auditor shall open an account with each township, city, incorporated village or school district in his county, in which, immediately after his semi-annual settlement with the county treasurer in each year, he shall credit each township, city, incorporated village, or school district with the net amount so collected for the use of any such township, village or district; and on application of any township, city, village or school treasurer, the auditor shall give him an order on the county treasurer for the amount then due to such township, city, village or school treasurer, and shall charge them respectively with the amount of such order; *Provided*, That the person so applying for such order shall deposit with the auditor a certificate from the clerk of the township, city, village or district, stating that such person is treasurer of such township, city, village or district, duly elected or appointed, and that he has given bond according to law.

To keep account with each township, village, etc.

SEC. 6. That section thirty-two (32) of said Act be amended so as to read as follows:

Sec. 32. Upon the sale of any land or town lot for delinquent taxes, the lien which the State has thereon for taxes then due, shall be transferred to the purchaser at such sale, and if such sale should prove to be invalid, on account of any irregularity in the proceedings of any officer having any duty to perform in relation thereto,

Rights guaranteed purchaser

the purchaser at such sale shall be entitled to receive from the proprietor of such land or lot the amount of taxes and penalty and interest legally due thereon, and the amount of taxes paid thereon by the purchaser subsequent to such sale; and such land or lot shall be bound for the payment thereof.

SEC. 7. That section thirty eight (38) of said Act be amended so as to read as follows:

Sec. 38. Every tract of land and town lot offered for sale by the treasurer as hereinbefore provided, and not sold for the want of bidders, shall be, and the same is hereby declared to be forfeited to the State of Minnesota; and thenceforth all the right, title, claim and interest of the former owner or owners thereof, shall be considered as transferred to and vested in said State, to be disposed of as the Legislature may by law direct; and the county auditor shall annually return by his treasurer, a separate list of all lands or town lots so forfeited, with the description thereof and the amount of tax due thereon, to the Auditor of State.

Lands not sold to be forfeited to the State

SEC. 8. That section thirty-nine (39) of said Act be amended so as to read as follows:

Sec. 39. If the former owner or owners of any tract of land or town lot, which may be forfeited as aforesaid, shall, at any time before the State shall have disposed of such land or lot, pay into the county treasury of the county in which such land or lot may be situated, all the taxes and penalties thereon at the time of such forfeiture, together with the taxes and penalties which have since accrued on such land or lot, (which sum shall be ascertained and certified by the auditor,) the State shall in such case relinquish to such former owner or owners, all claim to such land or lot; and the county auditor shall then re-enter such land or lot on his duplicate, with the name of the proper owner or owners.

Lands forfeited may be redeemed

SEC. 9. That section forty-two (42) of said Act be amended so as to read as follows:

Sec. 42. If the taxes charged on any land or lot be regularly paid, and such land erroneously returned delinquent and sold for taxes, the sale thereof shall be void; and the money paid by the purchaser at such void sale shall be refunded to him out of the county treasury, on the order of the county auditor; and the county auditor shall retain the same in his next semi-annual settlement,

Sale void if erroneously made

and charge the State treasury therewith, in said settlement.

SEC. 10. That section forty-four (44) of said Act be amended so as to read as follows:

Fees in certain cases

Sec. 44. The fees of the several county auditors for transfer of real estate for taxation, shall be twenty-five cents, where the property transferred is included in one title, whether by deed of conveyance, decree in chancery, or other assurances of title.

SEC. 11. That section forty-six (46) of said Act be amended so as to read as follows:

Shall transfer on his duplicate to name of purchaser—penalty for neglect

Sec. 46. Every county auditor hereafter delivering any certificate of purchase of forfeited lands, or other lands, sold for taxes, shall immediately, on his duplicate, transfer the same to the name of the purchaser, charging the sum of twenty-five cents, which shall be considered part of the expenses of the sale. And if any county auditor shall neglect to make such transfer, he shall be liable to an action by any person injured thereby, as for neglect of official duty.

SEC. 12. That section forty-seven (47) of said Act be amended so as to read as follows:

Delinquent list to be published—time when

Sec. 47. The auditors of the several counties in this State shall cause the list of the delinquent lands in their respective counties to be published, at least four weeks between the third Monday of March and the third Monday of May in each year, in some newspaper published in their respective counties, if any be published therein, and if none be published therein, then in some newspaper published in the adjoining county, and if no paper is published therein, then in some paper having general circulation in such county, to which list there shall be attached a notice that the whole of the several tracts or town lots in said list contained, or so much thereof as will be necessary to pay the taxes and penalty charged thereon, will be sold at the court house in such county, on the first Monday in June next thereafter, by the county treasurer, unless such taxes and penalty be paid before that time.

SEC. 13. That section forty-nine (49) of said Act be amended so as to read as follows:

Sec. 49. Immediately before advertising such list of delinquent lands and lots, it shall be the duty of the county auditor to compare the same with the duplicate,

and strike therefrom all lands or town lots upon which the taxes, interest and penalty of the preceding year, with the taxes of the current year, shall have been paid, and proceed to advertise the remainder as herein prescribed. To compare list with duplicate before publication

SEC. 14. That section fifty (50) of said Act be amended so as to read as follows:

Sec. 50. In all cases where any county auditor, by inadvertance and mistake, shall have this year omitted, or in any future year shall omit to publish the delinquent list of his county, according to the requirements of this Act, it shall be his duty, in case the taxes and penalty with which the lands and town lots therein stand charged, shall not have been paid before the time of advertising the delinquent list of the next succeeding year, and also the taxes of the current year, the auditor shall advertise, certify, record and publish the same as a part of the delinquent list according to the provisions of this Act. Duty in case of neglect to publish

SEC. 15. This Act shall take effect from and after its passage.

Approved March 12th, A. D. 1861.

CHAPTER III.

An Act to Amend an Act Prescribing the Duties of County Treasurer.

SECTION 1. Amendment to Section 8 of the Act approved March ninth, one thousand eight hundred and sixty. To settle with Auditor—time when.
2. Amendment to Section 12. To make settlement with Board of Commissioners—time when.
3. Amendment to Section 22. Shall deliver all orders received—publish and post notices of taxes assessed—shall attend in townships to receive taxes.
4. Amendment to Section 24. Further powers and duties in the collection of taxes.
5. Amendment to Section 27. Fees of treasurer for paying money into the State Treasury.
6. Amendment to Section 28. Fees for collecting taxes, and making sale of delinquent land.
7. Amendment to Section 30. To pay over money collected for cities, etc.—failure so to do, declared a felony.
8. Amendment to Section 35. Tax on personal property—when to be paid.

SECTION 9 Amendment to Section 37. Delinquent tax sale made annually on the first Monday of June.
10. Amendment to Section 38. Settlement between auditor and treasurer—when to be made.
11. Amendment to Section 44. Required to publish amount of money in treasury—time when—liability if statement be false.
12. Section 47 of said Act repealed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eight (8) of an Act to prescribe the duties of county treasurer, approved March ninth, one thousand eight hundred and sixty, be amended so as to read as follows:

To settle with Auditor—time when

Sec. 8. That on the last day of February and tenth day of October in each year the treasurer shall exhibit his accounts since the last settlement, balanced to said day, to the board of commissioners and county auditor, and in the event of the board of commissioners not being in session, then to the county auditor alone, showing all the moneys received and disbursed by him since his last settlement, and the balance remaining in his hands. The books, accounts and vouchers of the treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection and examination of the board of county commissioners, or any committee thereof.

SEC. 2. That section twelve (12) of said Act be amended so as to read as follows:

To settle with Board of Commissioners—time when

Sec. 12. That the county treasurer shall, on the last day of February and on the tenth day of October in each year, make settlement with the board of commissioners, or with the the county auditor of his county, and at such settlement in February return to said auditor the tax duplicate for the current year, showing the amount which remains unpaid thereon.

SEC. 3. That section twenty-two (22) of said Act be amended so as to read as follows:

Shall deliver all orders received

Sec. 22. That the county treasurer shall, on the last day of February, and tenth day of October in each year, deposit with the auditor of his county all orders on the treasury by him redeemed, and take the auditor's receipt therefor. And the county treasurer shall immediately after receiving from the auditor of his county a duplicate of the taxes assessed upon the property of such county, cause notices to be posted up in three places in each township throughout the county, one of which shall be the place of holding elections in the township, and

Publish and post notices

also to be inserted in some newspaper having general circulation in his county, for four successive weeks, specifying particularly in said notices the amount of tax levied on the duplicate for the support of the State government, for the payment of interest and principal of public debts, for the support of State common schools, for defraying county expenses, for repairing roads, for keeping the poor, for building bridges, for township expenses, and for any other object for which tax may be levied on each dollar valuation; also, on what day the Treasurer or his deputy will attend at the place of holding elections, or at some other convenient place in each township, which day shall not be prior to the first day of January in each fiscal year, for the purpose of receiving such taxes; and the treasurer or his deputy shall attend for the purpose aforesaid, on the day, and at the place named in such notices, and shall attend at his office at the seat of justice thereafter to receive taxes from persons wishing to pay the same; *Provided*, That the board of county commissioners of any county, at their stated meeting in September in any year, or at any meeting, if they shall deem it necessary for the convenience of the citizens of any township or townships in their county, to enable them to pay their taxes without attending at the county seat, may make an order requiring the county treasurer to attend one day more in each township or townships for the purpose of receiving taxes, and shall notify the treasurer thereof, and the treasurer or his deputy shall be bound to attend accordingly, and shall state in the notices to be given as aforesaid on what days he will attend in said township or townships for that purpose. The town treasurer of the organized towns who have caused their bonds to be filed with the register of deeds, as provided by law, shall receive from the county treasurer, and the county treasurer shall deliver to the said several town treasurers of his county, the tax duplicate of their respective towns and townships, as soon as may be, after said duplicate is completed, and said town treasurers shall execute and deliver to the county treasurer a receipt and duplicate receipt for said tax duplicate, specifying the amount of tax to be collected thereon, which duplicate receipt shall be filed by the county treasurer with the county auditor; and thereafter, and until the county treasurer shall appear in said townships or

Shall attend townships to receive taxes

towns to collect taxes as specified in said notice, the said town treasurers shall receive any and all taxes tendered to them in payment of such taxes as are specified upon such tax duplicate, and shall give receipts for the taxes so collected by them, in the same manner and with like effect as county treasurers. The said town treasurers shall meet said county treasurer at the time and place specified in the published notice hereinafter provided, and deliver to him the said tax duplicate and all moneys collected by said town treasurers, except such as belong to his town, and the county treasurer shall give a receipt therefor, specifying the amount of money received from said town treasurers, and the amount of taxes uncollected, and also a duplicate of such receipt; and such duplicate shall be filed by said town treasurer, together with a receipt for the amount of money retained by him for such town, with the county auditor, which receipt shall offset, so far as may be, the receipt given by him for the tax duplicate, and any deficiency in such receipt shall be charged to the proper township or town. The said town treasurer shall receive in payment of town taxes any orders drawn upon the town treasury in pursuance of law and by the proper authorities.

SEC. 4. That section twenty-four (24) of said Act be amended so as to read as follows:

Further powers and duties

Sec. 24. That the county treasurer shall have the same power to collect all taxes in his county heretofore vested in sheriffs, register of deeds, collectors, town or city treasurers, or any other person or persons, and he shall have the same power to collect the taxes charged against the lands or town lots of delinquents or non-residents, and to make sale thereof, as has been heretofore vested in the sheriff, or collector, or register of deeds, or any other person under the laws of this State and shall account for and pay over the State tax in like manner at the same time that the county collector or register of deeds or other persons are required to pay over said tax, any thing in the charter of the city of Saint Paul, approved March twentieth, eighteen hundred and fifty-eight, or in the charter of any city, town, or in any other Act of the Legislature heretofore passed to the contrary notwithstanding.

SEC. 5. That section twenty-seven (27) of said Act be amended so as to read as follows:

Sec. 27. That mileage shall be allowed to each county treasurer for travelling fees in going to and returning from the seat of government in order to pay into the state treasury the moneys received by him for state purposes, at the rate of ten cents per mile, to be computed by the Auditor of State according to the distance on the nearest post route. Traveling fees

Sec. 6. That section twenty-eight (28) be amended so as to read—

Sec. 28. That each county treasurer shall be allowed at the time of his settlement for his services, three per cent. on all moneys by him received, including that collected on the tax duplicate, excepting that on which some other rate of compensation is fixed by law, and shall be credited with the sum paid by him for printing such advertisements as he is required to publish, at the rates prescribed by law, and with the sum paid by him for blank books and stationery necessarily used in his office. *Provided*, That no compensation shall be allowed to the treasurer on any money by him received from his predecessor in office or his legal representatives. *Provided, further*, That the county treasurer shall receive for his services in counties where the annual tax collected is ten thousand dollars or less, five per cent.; where the sum collected is over ten thousand and less than twenty thousand, four per cent.; where the amount collected is more than twenty thousand, three per cent. *Provided, further*, That for offering for sale any tract of land or town lot, in pursuance of section twenty-three (23) of an act entitled an act prescribing the duties of county auditors, approved March sixth, one thousand eight hundred and sixty, the county treasurer shall be entitled to demand and receive from the purchaser at such sale, a fee of five cents for each separate tract of land or town lot so sold, and a like fee of five cents for each separate tract of land or town lot by him offered for sale, and remaining unsold for want of bidders, to be retained by him out of any moneys of the county in his hands on settlement; and in all cases said fee shall be and remain a lien upon the tract of land or town lot so sold, or offered for sale, and the owner or owners of said tract of land or town lot upon redemption thereof, shall pay said fee and interest, and twenty per centum penalty thereon. Fees allowed for collecting

SEC. 7. That section thirty (30) of said Act be so amended as to read as follows:

Shall pay over money collected for municipal corporations—penalty for neglect

Sec. 30. That it shall be the duty of the county treasurer of the county to pay over to the treasurer of any municipal corporation or organized township or other body, on the orders of the proper officers, at any time, all moneys received by him arising from taxes levied and collected belonging to such municipal corporation or organized township, and immediately after his settlement in February and October in each year, pay over all moneys and deliver up all orders and other evidence of indebtedness of such municipal corporation or other body politic, and take duplicate receipts therefor, and file one with the comptroller of the city or clerk of a town or other corporation, and one with the county auditor; and such moneys as said treasurer may receive after that time for delinquent taxes, belonging to such township or other corporation, he shall pay over to the treasurer thereof as he receives them, and he shall take duplicate receipts of the treasurer of said township or corporation for said moneys, one of which he shall retain, and one of which he shall file with the county auditor, and he shall perform such other duties as may be required of him by law; and for malfeasance in office or a failure to pay over money held by him to the proper authority when demanded, or failure to account for money received by him as required by law, he shall be deemed guilty of felony, and if convicted, shall be subject to the penalties prescribed for that offence, or such other penalties as may be prescribed by law.

SEC. 8. That section thirty-five (35) of said Act be amended so as to read as follows:

Tax on personal property—when to be paid

Sec. 35. That if any person shall fail to pay the taxes on personal property charged to him, her or them, by the first day of February next, after the same becomes due, such person or persons may pay the same at any time before the treasurer shall distrain any property for the payment of such taxes, but shall be charged with five per centum thereon for the use of the county.

SEC. 9. That section thirty-seven (37) of said Act be amended so as to read as follows:

Sale of delinquent taxes—when made

Sec. 37. That all sales for delinquent taxes shall hereafter be made on the first Monday in June, and be continued from day to day, until all the delinquent land

is sold, and shall in all things be governed by the laws now in force providing for the sale of land where the taxes are not paid, except as to time.

SEC. 10. That section thirty-eight (38) of said Act be amended so as to read as follows:

Sec. 38. That the county treasurer shall on the last day of February and on the tenth day of October in each year, make settlement with the auditor of his county, on the fifteenth day of March, pay over to the treasurer of State all moneys by him received for State purposes, agreeably to the certificate of settlement with the auditor of his county, and take duplicate receipts for the money so paid, one of which he shall deposit with the auditor of State.

Shall make annual settlement with Auditor

SEC. 11. That section forty-four (44) of said Act be amended so as to read as follows:

Sec. 44. That it is hereby made the duty of the treasurer and auditor of each and every county in this State, conjointly to make out and cause to be published in at least one newspaper of general circulation in the county in and for which they are such treasurer and auditor, a statement of the exact amount of money existing in the treasury of such county on the last day of February and tenth day of October in every year, and oftener if the commissioners of the county shall direct, particularly specifying in such statement the amount belonging to each particular fund, together with all other property, bonds, securities, claims, assets and effects belonging to the county, in the custody or under the control of such treasurer. Such statement shall be signed by said county treasurer and auditor, and the expense of such publication shall be paid out of the county treasury, on warrant or warrants drawn by the chairman of the board of county commissioners, and attested by the county auditor, particularly specifying the same; and if at any time it shall be found that such statement was untrue or false, in regard to the amount of money and other property then on hand and in the treasury, the said treasurer and said auditor making the same shall, without regard to lapse of time, be held guilty of a breach of trust and high misdemeanor, and on trial by indictment and conviction thereof before any court of competent jurisdiction, shall be sentenced by the court before which such trial and conviction shall be had, to pay a sum not less

Required to publish amount of money in treasury—time when—liability if statement be false

than one hundred dollars nor more than five hundred dollars.

Section 47 repealed

SEC. 12. That section forty-seven of said Act is hereby repealed.

Approved March 12th, A. D. 1861.

CHAPTER IV.

An Act in Relation to the Redemption of Lands Sold for Taxes.

SECTION 1. Time extended one year—if redeemed within six months, all interest and penalties abated—if within twelve months, fifty per cent.—within nine months, twenty-five per cent.

Be it enacted by the Legislature of the State of Minnesota:

Extension of time one year

SECTION 1. That the time for the redemption of all lands heretofore sold for taxes, and which lands have been purchased and are now held by any city or county, when the redemption expires within one year, or has expired, and which have not been redeemed, shall be extended for the further time of one year. And the proper officers, on the payment, within six months after the passage of this act, of all taxes assessed on said lands prior to the year one thousand eight hundred and fifty-nine (1859) is hereby required to abate all interest (except seven [7] per cent. per annum, penalties and costs thereon, except cost of advertisement and sale,) and in like manner if payment as aforesaid is made within nine months, to abate fifty (50) per cent., and if paid within twelve (12) months, twenty-five per cent. of all such interest.

Proviso

Provided, That the provisions of this act shall not extend to any case where the time for redemption has already expired, and the county or city has advertised to give tax deeds, unless the owner or party in interest shall prior to the day designated for executing such deed or deeds, pay into the county or city treasury all costs and expenses incurred by giving such notice.

SEC. 2. This act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER V.

An Act to Provide for the Assessment and Collection of a Tax for State Purposes.

SECTION 1. Tax to be levied on the taxable property of the State of four mills on the dollar—for what purpose.
2. Duty of the proper officers of the several counties of the State.
3. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be levied on all the taxable property in the State of Minnesota, for the year one thousand eight hundred and sixty-one, a tax of four mills on the dollar for the use of the State, including the sum to be raised as a sinking fund, and for the interest of the State debt under the provisions of an act entitled "An Act to authorize a loan of two hundred and fifty thousand dollars to defray the current expenses of the State," approved March thirteenth, one thousand eight hundred and fifty-eight; one and a half mills thereof shall be payable in gold or silver; so much thereof as may be necessary shall be applied to the payment of interest and expenses on State loan of two hundred and fifty thousand dollars. Tax to be levied —for what purpose

SEC. 2. It shall be the duty of the proper officers of the several counties of the State to assess and collect said tax in their respective counties, and pay the same over to the treasurer of State in the manner and time prescribed by law. Duty of proper officers

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8, A. D. 1861.

CHAPTER VI.

An Act to Amend an Act Entitled an "Act to Provide for County Organization and Government."

SECTION 1. Amendment to Section 1, Article 2, Chapter 15, of the General Laws of Minnesota for the year 1860. Board of County Commissioners—how elected—term of office.
2. Amendment to Section 22, Article 2. Commissioners to fix amount of County Tax.
3. Amendment to Section 24, Article 2. Election of Commissioners.
4. Amendment to Section 26, Article 2. County Auditor to be Clerk of Board of County Commissioners.
5. Amendment to Section 32, Article 2. Repeal of Acts inconsistent with this Act.
6. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one (1) article two (2) of chapter fifteen (15) of the general laws of Minnesota, for the year one thousand eight hundred and sixty, be amended so as to read as follows:

Each and every county in this State shall be deemed an organized county for the purposes provided in this Act, and in each and every county there shall be a board of county commissioners. In those counties in which at the last general election there was cast eight hundred votes or more, the said board shall consist of five members, and in all other counties of three members, whose term of office shall be three years, and until their successors are elected or appointed and qualified; *Provided*, That in each and every county which has a township organization and in which the board of county commissioners shall consist of five members, the person elected from district number one, shall hold his office for the term of one year, the persons elected from districts number two and three shall hold their offices for the term of two years, and the persons elected from districts number four and five shall hold their office for the term of three years, and that a commissioner or commissioners shall be elected annually thereafter, for the term of three years to succeed the person or persons whose term of office shall have expired, and in each and every county which

Board of County Commissioners—how elected—term of office

has a township organization, and in which the board of county commissioners shall consist of three members, the person elected from district number one, shall hold his office for the term of one year, the person elected from district number two shall hold his office for the term of two years, and the person elected from district number three shall hold his office for the term of three years, and that a commissioner shall be elected annually thereafter for the term of three years, to succeed the person whose term of office shall have then expired; and in each and every county which has not a township organization, the said board shall be appointed by the Governor of the State, who shall be qualified electors of their respective counties, and shall qualify in the same manner as that provided for, for commissioners, elected in accordance with the provisions of this Act; and the board of commissioners so elected or appointed, are hereby authorized and empowered to do and perform such acts and things as are now or may hereafter be required of them; *Provided, further*, That in counties containing less than three election districts, the commissioners may be elected at large; *Provided*, That cities, being entitled to more than one commissioner, and having but one ward, may elect by general ticket.

SEC. 2. That section twenty-two (22) of article two (2) be amended so as to read as follows:

Sec. 22. The several boards of county commissioners are authorized to fix the amount of county tax to be assessed, and cause the same to be collected but no tax shall be assessed nor any debt created by said board for the erection of court houses, jails, or other county buildings, without being first authorized by a vote of the electors of the county, *Provided*, That the county commissioners shall not be authorized to expend an amount of money exceeding one thousand dollars for any extraordinary purpose unless the same has been submitted to the people and by them approved; *Provided, however*, That nothing herein contained shall be construed so as to prohibit the issuing of bonds by any county for the purpose of paying debts and liabilities already existing, or to take up bonds or orders already issued; *Provided*, That in the counties of Ramsey, Dakota, Rice, Winona, Houston, Hennepin, Goodhue, Olmstead and Wabashaw, no tax shall be assessed to exceed three mills on the dollar of

To fix amount of county tax

the taxable property of the county for county purposes, unless first authorized so to do by a vote of the people.

SEC. 3. Section twenty-four of said article two shall be amended so as to read as follows:

Election of Commissioners

The first election of county commissioners under this Act shall be at the general election to be held on the first Tuesday after the first Monday of October next, and the commissioners so elected shall qualify according to the provisions of this Act.

SEC. 4. Section twenty-six of said article two, shall be so amended as to read as follows:

Auditor to be clerk of Board

The auditor of each county shall be clerk of the board of county commissioners, and shall make and keep a complete record of all their proceedings.

SEC. 5. Section thirty-two of said article two and all

Repeal of former acts

other acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. This Act to take effect immediately after its passage.

Approved March 8, A. D. 1861.

CHAPTER VII.

An Act to Amend an Act, entitled An Act to Provide for Township Organization, approved February twenty-first, one thousand eight hundred and sixty.

SECTION 1. Amendment to Section 2, Article 5, of the Act approved February twenty-first, one thousand eight hundred and sixty. Officers how chosen.
2. Amendment to Section 1, Article 7. Vacancies how filled.
3. Amendment to Section 4, Article 7. Board of Supervisors may accept resignations.
4. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two of article five of an act entitled an act to provide for township organization, approved February twenty-first, A. D., eighteen hundred and sixty, be amended to read as follows:

Sec. 2. The supervisor, treasurer, town clerk, assessor, justices of the peace, constables and overseer of the poor, in each township, shall be chosen by ballot. All other officers not otherwise provided by law, shall be chosen either by yeas and nays, or by dividing the electors as the electors may determine. Officers how chosen

Sec. 2. That section one (1) of article seven (7) of said Act be amended to read as follows:

Sec. 1. Whenever any town shall fail to elect the proper number of town officers to which such town may be entitled by law, or when any person elected to a town office shall fail to qualify as such, or whenever any vacancy shall happen in any town office, from death, resignation, removal from the town, or other cause, it shall be lawful for the justices of the peace of the town, together with the board of supervisors, or a majority of them, to fill the vacancy or vacancies occasioned or occurring in consequence of any or either of the causes above specified, by appointment, by warrant under their hands, and the persons so appointed shall hold their offices until the next annual town meeting, or until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors. Vacancies how filled

Sec. 3. That section four (4) of the same article be amended so as to read as follows:

The board of supervisors of any town may, for sufficient cause shown to them, accept the resignation of any town officer in their town, and whenever they shall accept any such resignation, they shall forthwith give notice thereof to the town clerk of the town. May accept resignations

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER VIII.

An Act to Amend an Act Defining the Duties of County Surveyors.

SECTION 1. Amendment to Section 5 of the "Act defining the duties of County Surveyors—per diem of County Surveyors.
2. Amendment to Section 10. Directions for County Surveyors.
3. Amendment of said Act by addition of Sections 11 and 12—repeal of the Act regulating compensation.
4. Duty of Surveyor in case of original posts destroyed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section five of the "act defining the duties of county surveyors," on page one hundred and sixty-seven of the public statutes, be and the same is hereby amended, by adding at the end thereof the following words: "for every day engaged in surveying, laying out, altering or examining roads, or routes for roads, a sum not exceeding three dollars per day, during all the time that he may be so engaged."

Per diem of Surveyors

SEC. 2. That section ten of said act be and the same is hereby amended so as to read as follows: "(ninety-two) Section ten. Whenever a surveyor is required to make a subdivision of a section, as established by the United States survey, he shall proceed as follows, whether the section be fractional or not, excepting on the northern and western tier of sections of those townships whose northern boundary is a 'standard parallel,' or correction line, hereinafter provided for, commencing at either quarter section corner of the section, he shall run direct lines to the opposite quarter section corner of the section, and at the intersection of said lines he shall establish a common centre therefor, at which a post marked '¼ S.' on opposite sides, with a suitable instrument, shall be firmly fixed and driven into the ground, and if practicable two bearing trees shall be marked in the same manner, and their course and distance from the said post noted in the plat and field notes. In those townships whose northern boundary is a 'standard parallel' or correction line, but on which no section posts are established

Directions for Surveyors

for the sections adjoining it on the south by the United States surveyors, the county surveyor, whenever required to subdivide such sections, shall establish a quarter post on such 'standard parallel' or correction line, equi-distant from the section posts established at the intersection of the parallel by the section lines south; such quarter post to be marked only on the side facing the south and (when practicable) two bearing trees marked and their course and distance from such quarter post duly noted; the subdivision of such sections may be proceeded with as hereinbefore directed."

SEC. 3. That said act be and the same is hereby amended by adding the following sections at the end thereof, viz: (ninety-three) Section eleven. Any less subdivision than a quarter section shall be made in the following manner: If the quarter section be not fractional, as follows: having established the one-eighth section corner at the equi-distant points between the adjacent corners of the quarter section, he shall establish a common centre therefor at the intersection of direct lines between said one-eighth section corners. Any subdivision of the fractional northeast and northwest quarter sections on the north boundary, and of the fractional northwest and southwest quarter sections, on the west boundary of townships, shall be made by ascertaining the distance by measurement from the quarter section posts to the north and west boundaries respectively, and as the distance found is to the original distance returned, according to the United States field notes, so is the proportion of that distance by measurement from the quarter section posts north and west respectively more or less than twenty chains for the required length of the south half of the northeast and northwest, and the east half of the northwest and southwest quarter sections. (Ninety-four.) Section twelve. The act passed May twenty-third, one thousand eight hundred and fifty-seven, entitled "an act to regulate the compensation of county surveyors in the Territory of Minnesota," and found on page one hundred and sixty-eight of the public statutes, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Additional sections

Repeal of Act regulating compensation

SEC. 4. If the quarter section, or section posts, as originally fixed by the United States survey, be destroyed, it shall be the duty of the surveyor to fix a new post

Duty in case original posts destroyed

on such land as he may be called upon to survey, with similar marks to those placed on like posts by the United States surveyors, graved therein; said posts to be fixed in accordance with the government field notes; but this act shall not affect the legality of any surveyor's proceedings previous to the passage of this act, which shall take effect and be in force from and after the passage thereof.

Approved March second, A. D. 1861.

CHAPTER IX.

An Act to amend "An Act to provide that Copies of Records in the Office of Register of Deeds, may be admissible in evidence," passed March third, 1855.

SECTION 1. Amendments to the Act passed March 3, 1855.
2. Patents issued by the Government of the United States allowed to be recorded.
3. Duplicates of such Patents may be recorded and received in evidence as original Patents.
4. The word "investments" stricken out and the word "instruments" inserted instead.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to previous act

SECTION 1. That the Act passed by the Legislative Assembly of the Territory of Minnesota, March 3, 1855, entitled "An Act to provide that copies of Records in the office of Register of Deeds, may be admissible in evidence," and being published on page six hundred and eighty-eight of the Public Statutes, be amended by adding thereto the following:

Patents may be recorded

SEC. 2. Patents issued by the Government of the United States, of land being in this State, shall be allowed to be recorded in the office of the register of deeds, in the county in which the land described in the Patent is situated.

SEC. 3. Duplicates of such Patents from the record thereof, in the general land office of the United States, duly certified to by the commissioner of said office,

shall be admitted to be recorded in like manner as the original patent, and that the records of such patent or duplicates when so recorded, and the records of all patents or duplicates heretofore recorded and copies thereof duly certified to, as provided in section one of the Act hereby amended, may be read and received in evidence in all the courts of this State, in like manner and effect as original patents. Duplicates may be recorded

SEC. 4. The word "investments," wherever it occurs in said Act, is stricken out, and the word "instruments" inserted instead thereof. Change of word

Approved February 15, A. D. 1861.

CHAPTER X.

An Act Amending "An Act Concerning Alienation by Deed, of the Proof and Recording of Conveyances, and the Cancelling of Mortgages."

SECTION 1. Amendment to Section 10, Chapter 35 of Public Statutes. Certificate of clerk or other proper certifying officer to be attached to deeds.
2. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section ten, (10) chapter thirty-five (35) of the Public Statutes be amended so as to read as follows:

Sec. 10. In the cases provided for in the last preceding section, unless the acknowledgment be taken before a commissioner appointed by the governor of this State for that purpose, or before a notary public, or other officer having a seal of office, and the acknowledgment aforesaid be certified upon such deed by such officer, and his seal of office be attached to such certificate, such deed shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person Certificate to be attached to deeds

whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be—that he believes the signature of such person subscribed thereto, to be genuine; and that the deed is executed and acknowledged according to the laws of such State, territory or district.

SEC. 2. That this act take effect and be in force from and after the first day of April, one thousand eight hundred and sixty-one.

Approved March 6th, A. D. 1861.

CHAPTER XI.

An Act to Provide for a General System of Common Schools, the Officers thereof and their Respective Powers and Duties.

SECTION 1. Each township a School District—each school district a body corporate.
2. Trustees to hold property for the district.
3. Titles to property adjusted.
4. Trustees can form sub-districts—mode of numbering sub-districts—descriptions and boundaries to be filed with town clerk—copies to be furnished to county auditor and district superintendent—each sub-district a body politic and corporate.
5. Existing school districts constituted sub-districts.
6. Town supervisors to form sub-districts on the last Tuesday of March, 1861—county commissioners, where there is no town organization, to form districts and appoint officers.
7. Seven freeholders can petition for the formation or alteration of sub-districts—necessary steps for the formation or alteration of a sub-district,
8. Formations and alterations to be in writing—copies to be delivered to the County Auditor and District Superintendent.
9. Town clerk, clerk of school district—Town treasurer, treasurer of school district.
10. Two of the Trustees a quorum.
11. Trustees to levy all taxes.
12. Regular meetings last Tuesday in March and October—special meetings when thought desirable.
13. To call special meetings—to make tax list.
14. To settle with District treasurer—to prepare annual statement—to estimate school expenses for the coming year.
15. Trustees employ teachers for the same length of time, and not less than three months—Trustees provide fuel.
16. Contracts with teachers, how made.
17. Mode of paying teachers.
18. No public money to be paid unlicensed teachers—Trustees cannot contract for schools to extend more than four months beyond their term of office.
19. Trustees to appoint District Superintendent.
20. Superintendent to file acceptance with District clerk.
21. Duties of Superintendent.

SECTION 22. Subjects on which teachers are to be examined.
23. Power to re-examine teachers.
24. Visitation of Schools.
25. Compensation of District Superintendent.
26. District Superintendent's book.
27. Annual meeting.
28. Special meeting.
29. Duties of Clerk.
30. Duties of Treasurer—to give bond.
31. Bond may be increased.
32. To collect taxes.
33. Mode of disbursement prescribed.
34. To keep a book and take receipts—annual settlement.
35. Treasurer's fees.
36. To deliver books, moneys, etc., to successor.
37. Mode of levying.
38. District treasurer to return delinquent list to county auditor.
39. Procedure with delinquent school tax list.
40. To receive reports of all school districts in the county—to transmit abstracts before the first of December to State Superintendent—to distribute school blanks and circulars—separate account with each district and sub-district.
41. Semi-annual apportionment of school money.
42. To pay moneys on order of auditor—District treasurer to give satisfaction that his bond has been approved.
43. To procure a register from the District clerk—to return the same before being paid for services.
44. Time of annual meeting—first election last Saturday of April, 1861.
45. Calling of special sub-district meetings.
46. Notices of annual meetings.
47. Affidavit of posting of notices.
48. Qualifications of voters.
49. Powers of annual sub-district meeting.
50. Directors to furnish a record book—to post notices.
51. Care of school house—provide clerk with record book—draw orders on treasurer of the District.
52. To visit the schools—file oath of office.
53. Voters of sub-district to decide.
54. District superintendent to assign scholars in the schools.
55. Scholars assigned have all privileges.
56. Scholars may be dismissed to other schools—grounds for expulsion.
57. Appeals must be in writing—decision final and conclusive.
58. Levied by county Commissioners—fines set apart.
59. School property exempt.
60. Present law prejudices no existing contract.
61. Selection by the State Normal Board—insertion in school registers.
62. To report to County Auditor—allowed to draw public money.
63. To report to the State Superintendent.
64. Elected in joint convention of Legislature—term of office—vacancy—how filled.
65. Oath of office—annual report—visitation of judicial districts.
66. To prepare necessary forms—school registers.
67. Salary.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That each and every township that now is, or may hereafter be organized in any county in this State, is hereby declared to be a school district, and as such to be a body politic and corporate, by the name and style of school district in the county of , and by such name may contract and be contracted with, sue and be sued in any of the courts of this State having competent jurisdiction.

Each township a school district—each school district a body corporate

SEC. 2. Each and every such school district shall hold in the name of its trustees and their successors in office,

To hold property for the district

the title of all lands and other property now held or which may hereafter be acquired for school district purposes in any such town, excepting corporate cities and towns which are made bodies corporate by and under chartered privileges granted by any special act of the Legislature of this State, in which case the title of all such property shall be held in the corporate name of such town or city for the use of common schools therein.

Titles to property adjusted

SEC. 3. In all cases where the title to lands and other property held for school district purposes, is vested in any other person or corporation than as provided in section two of this Act, it shall be the duty of the trustees of the district in which such property is situated, to procure the title to such lands or other property to be vested as provided in section two of this Act.

Sub-districts how formed

SEC. 4. The several districts shall be sub-divided by the trustees into sub-districts, which shall be numbered in a regular series, from number one upwards, and their descriptions and boundaries clearly given and well defined, a record of which, and of all alterations made therein from time to time, shall be made in the office of the clerk of the town, who shall deliver a copy thereof to the district superintendent, and another copy to the county auditor, and each sub-district shall be a body politic and corporate by the name of the number of said sub-district, and by such name may contract and be contracted with, sue and be sued, in any of the courts of this State having competent jurisdiction.

What to constitute sub-districts

SEC. 5. The several school districts heretofore organized in any county of this State, shall be the sub-districts of the several towns in which they are situated, and may be altered by the board of trustees as hereinafter provivided. Sub-districts constituted of parts of two or more districts, shall be sub-districts of the district in which the school house is situated, or in which the public school shall be taught, subject to alteration by the concurrent action of the trustees of the several districts interested, and shall be numbered, described and bounded, as provided in section four of this Act.

SEC. 6. The boards of supervisors of the several towns in this State, shall make the sub-division and affix the numbers as contemplated in section four of this Act, at their meeting on the last Tuesday of March, one thousand eight hundred and sixty-one, and shall embrace in

the same all the territory in their several towns, adopting as far as practicable the bounds of the existing school districts; *Provided, however*, That in any organized county or counties not divided into towns, the county commissioners shall have power to divide such county into school districts, and in such case the said commissioners shall appoint three qualified electors residing in such district to act as trustees of the same, and the said commissioners shall also appoint a clerk and treasurer for such district, and the said officers so appointed, shall forthwith proceed to perform the same duties, and they shall be subject to the same regulations and penalties, as is provided in this Act, for the supervisors, town clerks, and treasurer of towns, as *ex-officio* trustees, clerk and treasurer of school districts.

Formation of sub-districts—time when

SEC. 7. When any seven or more resident freeholders interested in the formation or alteration of any sub-district, shall in writing, petition the trustees of the district to be affected thereby, to form or alter any sub-district within their jurisdiction, they shall consider such petition, and they shall appoint a time and place, when and where they will meet to make such formation or alteration, and at least ten days before such meeting, shall post notices thereof clearly setting forth the bounds of the sub-district to be formed, or alteratio to be made, in five of the most public places in each district interested, and deliver a copy thereof to one of the directors of each sub-district interested, and all persons interested may appear and contest such formation or alteration. If a majority of the trustees from each of the districts interested, shall at such meeting think such formation or alteration should be made, they shall make it and not otherwise.

Formation or alteration of sub-districts

SEC. 8. Formations and alterations of sub-districts shall be made by an order in writing, clearly setting forth the bounds of the sub-district formed or alteration made thereby, shall be signed by the trustees and attested by the clerk of the district or districts making the same, who shall attach to the same a copy of the notice of the meeting at which it was made, with the certificate of the district clerk who posted the notice, showing the time when and the place where such notice was posted, all which shall be filed and recorded in the offices of the several districts interested, and a certified copy of the order delivered by the clerk to the district superintendent and another to the county auditor.

Formations to be in writing

Town Clerk clerk of district—Town Treasurer treasurer of district

SEC. 9. The supervisors of each and every town that is now or may hereafter be organized in any county of this State, shall be *ex-officio* a board of trustees of the school district; the clerk of the town shall be *ex-officio* clerk of the district, and the treasurer of the town shall be *ex-officio* treasurer of the district.

Two a quorum

SEC. 10. The board of trustees, any two of whom shall be a quorum, shall be the legal agents of the district, and as such may, in behalf of the district, contract and be contracted with in their name of office, as provided in this act, may sue and be sued, plead and be impleaded in any of the courts of this State having competent jurisdiction. They shall have and exercise the general care and supervision of the educational matters of their respective districts, and may receive any gift, grant, donation or devise made to them for the use and benefit of any school or school district within their jurisdiction.

Trustees to levy taxes

SEC. 11. The board of trustees shall levy all taxes directed to be levied by the vote of the district or any sub-district, according to the provisions of this act, for the support of schools in such district, or for the purchase or lease of lands for a school house site, or for the construction or repairs of any school house, or for furnishing any library apparatus or furniture for the use of schools. They are invested in their corporate capacity with the title of all school houses, school house sites, school libraries, apparatus and other property which may be acquired by sub-school districts which may be organized or constituted within the limits of their jurisdiction, subject, however, to the provisions of this act; and all conveyances of such property shall be made to the trustees and their successors in office,, for the benefit of the sub-district in which such property is situated.

Regular meetings —time when

SEC. 12. It shall be the duty of the board of trustees in each school district to hold regular meetings at the office of the town clerk on the last Tuesday in March and October of each year, for the transaction of any business imposed upon them by the provisions of this act, with powers to adjourn from time to time, and to hold special meetings at any other times or places within their proper district, as they may think desirable for the transaction of business as aforesaid; at all such meetings the chairman of the board of supervisors shall be chairman of the board of trustees, and the town clerk shall act as their

clerk, and in the absence of either or both of said officers, the members of the board present at any meeting shall appoint from their number such officer or officers *pro tem.*

SEC. 13. It shall be the duty of the trustees of every school district, to call special meetings of the district whenever they shall deem it necessary and proper. To make out a tax list of every district or sub-district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant, set opposite his name. To annex to such tax list a warrant directed to the treasurer of the district, for the collection of the same. To sub-divide their respective districts into sub-districts, and alter the same from time to time, as provided in this act, and to do everything necessary to carry out the provisions of this Act, not made the duty of any other officer.

Call special meetings—make tax list

SEC. 14. It shall be the duty of the trustees at their meeting on the last Tuesday of March in each year, *First*,—to make a settlement with the treasurer of the district, and having ascertained the balance between him and the district, shall certify the same on the treasurer's book. *Second*,—to prepare a statement of their doings as trustees within the past year, showing the amount of money received by the treasurer for school purposes within the year, and the amount by them expended, and for what purposes, together with all existing contracts and liabilities. *Third*,—to ascertain by estimate, or otherwise, the amount of public money probably available for school expenses during the coming year, and the amount over and above such public money necessary for the support of schools within such coming year, and submit such statement and estimates to the ensuing town meeting.

Settle with treasurer—estimate school expenses

SEC. 15. The trustees shall employ teachers and provide fuel for schools in each sub-district in the town for the same length of time in each sub-district, and for corresponding terms, as nearly as may be, which shall not be less than three months in each year.

Employment of teachers—provision for fuel

SEC. 16. All contracts with teachers shall be in writing, signed by the chairman of the Trustees and by the teacher, and no contract shall bind the district to the payment of the wages of any teacher which is not in writing, and signed by the teacher holding at the time of signing such contract, a certificate of examination and

Contracts—how made

valid license to teach a common school, signed by the superintendent of schools for the town in which the school is situated.

Manner of paying teachers

SEC. 17. The board of trustees shall pay the wages of teachers hired by them, and other school expenses, out of the school moneys belonging to the district, by their order upon the treasurer, signed by the chairman and attested by the clerk, and every such order shall state the service or consideration for which it is drawn, and the person or persons rendering such service or consideration.

No public money to be paid unlicensed teachers

SEC. 18. No public money shall be paid for the support of any school, the teacher of which is not, during the time of teaching, licensed by the superintendent of the district in which such school is taught; and no board of trustees shall contract for the support of schools to extend more than four months after the expiration of their term of office.

To appoint District Superintendent

SEC. 19. The board of trustees in each district shall within eighteen days after their election, and at any other time in case of vacancy, appoint a superintendent of schools in the district for the current year, and until a successor is appointed and qualified, and shall give him notice thereof within three days.

Superintendent to file acceptance

SEC. 20. The district superintendent of common schools shall within eight days after notice of his appointment, file in the office of the clerk of the district, his oath that he will faithfully discharge the duties of his office according to law and the best of his ability, and a neglect to file such oath shall be deemed a refusal to serve.

Duties of Superintendent

SEC. 21. It shall be the duty of the district superintendent to attend on the last Saturday of April and October in each year, at the place of holding the last annual town meeting, from the hour of ten o'clock A. M., until four o'clock P. M. of such days, for the public examination of all persons offering themselves for examination as teachers, and may on application and at the cost of the applicant, examine teachers at any other time and place.

SEC. 22. It shall be the duty of the district superintendent to examine teachers touching their moral character, learning and ability to teach reading, writing, English grammar, including orthography, arithmetic, ge-

ography, history and such other branches as may from time to time be prescribed by the State Normal Board of Instruction, and to such as upon examination shall appear to be well qualified in all those respects, he shall grant his certificate of such examination and license to teach any common school in the district for one year, and during any school term commenced within such year unless revoked as hereinafter provided. Subject on which to be examined

SEC. 23. The district superintendent may cite to re-examination any person holding a license and under a contract to teach any common school in the district, and being satisfied upon such re-examination or otherwise that such person is not of good moral character or has not sufficient learning and ability to teach a common school, or if such person shall refuse or neglect to attend upon such re-examination the superintendent shall revoke the license held by such person, filing in the office of the district clerk a statement, that he has made such revocation, and shall deliver a copy thereof to the person whose license is revoked, and another to one of the trustees of the district, and such revokation shall take effect and be in force from and after the filing of such statement as aforesaid, and the teacher's contract with the district shall become void therefrom, *Provided, however*, That the wages of the teacher for the time taught and at the contract price or rate shall be paid on or before the time at which it would have been due had the contract been continued in force. Power to re-examine teachers

SEC. 24. The district superintendent shall visit each school in the district, spending therein at least one day within each school term. At such visitations he shall examine into the condition of such schools in respect to government, management, methods of teaching, the progress made by the scholars, and the text books used, and when necessary direct the school exercises, introduce methods of management and instruction, and direct the classification of scholars. Visitation of schools

SEC. 25. The district superintendent shall be entitled to receive for each examination of a teacher examined by him at any time other than the regular times prescribed for public examination, except for re-examinations, the sum of fifty cents to be paid by the teacher in advance, and for all other services rendered by him, he shall Compensation

receive the same per diem compensation as township officers are entitled to.

Sec. 26. The district superintendent shall keep in a book to be furnished by the State Superintendent and to be delivered to his successor in office, a record of business done by him, showing the name of each person examined by him, the date of granting or revoking any license and the name of the teacher whose license is granted or revoked, and shall make such reports as the State Superintendent may require of him from time to time.

Superintendent's book

Sec. 27. The legal voters of any school district in annual town meeting assembled, shall consider the statement and estimate herein provided to be submitted to them by the trustees of the district and may by their vote direct the trustees to levy a tax upon the taxable property in the district, for the amount recommended to be raised for the support of schools, or they may by their vote at such time increase or diminish the time proposed for the school terms in the year, and estimate and direct the levy of a tax as aforesaid, sufficient, with the available public school money of the district to support such schools. *Provided*, That there shall be provided by the trustees in each year, at least three months' school in each sub-district, and the amount necessary to defray the expenses of schools for that time over and above the public money shall be levied upon the taxable property of the district by the trustees, *Provided*, That no property in this State shall be assessed for more than five mills on the dollar for any one year, for school purposes, nor for more than ten mills on the dollar, for the purpose of building school houses.

Annual meeting

Sec. 28. Special meetings may be held in any school district; but notices of each special meeting shall specify the business proposed to be transacted at any such meeting, and shall be given in the manner prescribed for special meetings of the town, and no business shall be transacted at any special meeting which is not clearly specified in the notice for such meeting.

Special meeting

Sec. 29. The district clerk shall keep a record of all the business transactions of the district, and of the board of trustees. He shall make the enumeration of all persons between the ages of five and twenty one years, residing in the district on the first day of October in each year. He shall make, under oath, and return to the

Duties of clerk

county auditor, on or before the first day of November in each year, a report in such form as shall be directed by the State Superintendent, showing, *First*,—the number of months schools have been taught by licensed teachers in the several sub-districts in the town, the wages paid to each teacher, the amount of public money expended for the support of schools, the amount so expended, raised by tax, and the whole amount of taxes levied in the district for the support of schools. *Second*, The number of persons between the ages of five and twenty-one years, residing in the district on the first day of October, of each year, including in such enumeration, all of each joint sub-district, the school house of which is situated in his district, and omitting all of any joint sub-district the school house of which is situated in another district. *Provided, however*, That all returns of enumerations, or other reports touching joint sub-districts constituted of parts of two or more counties, upon which any apportionment of money is to be based, shall be made by the clerk of the district in which the school house is situated, in separate reports to the auditor of each of such counties, embracing in the report to the auditor of each county, the enumeration and report touching that portion of each joint sub-district situated in such county, and that the money apportioned to such enumeration and report shall be paid to the treasurer of the district in which the school house of such joint sub-district is situated. Duties of clerk

SEC. 30. The treasurer of the town shall be *ex-officio* treasurer of the school district. He shall within ten days after his election, and before he enters upon the duties of his office as treasurer of the district execute to the trustees thereof, and their successors in office, a bond with one or more sureties, in not less than double the amount of school money, to be received by him as a district treasurer, to be approved by the chairman, and file the same with his oath, that he will faithfully discharge the duties of his office, in the office of the district clerk within said ten days. Duties of Treasurer—to give bond

SEC. 31. If the trustees shall at any time think the treasurer's bond insufficient, they shall require such treasurer to furnish such other or further bonds as will be sufficient, to be approved and filed as above directed, and any neglect to file bonds as herein provided shall vacate the office. Bond may be increased

To collect taxes

SEC. 32. The district treasurer shall receive and recover from his predecessor in office, and all other persons, the public school money belonging to the district in their hands, and collect all taxes levied for school purposes by the vote of any district or sub-district therein, and make return of any delinquent tax list in his hands, to the auditor of the county in which the property is situated, upon which the taxes in such delinquent list were levied. And any money in his hands for any purpose connected with the support of schools, or for the purpose of furnishing school houses or sites, shall be kept distinct from all other funds, and shall not be paid out for any other purpose than that for which it was levied.

Mode of disbursement

SEC. 33. The treasurer shall pay the money in his hands on the draft of the board of trustees, signed by the chairman, and attested by the clerk.

Keep book and take receipt—annual settlement

SEC. 34. The district treasurer shall keep in a book an accurate account of all moneys received by him and all moneys paid out by him and the amount of all delinquent taxes returned by him to the county auditor. He shall take receipts for all moneys paid out by him, and present the same in settlement of his accounts with the board of trustees on the last Tuesday in March, of each year, and shall file the same in the office of the district clerk.

Treasurer's fees

SEC. 35. The district treasurer shall be allowed to retain out of all money collected on tax lists by him, five per cent. as fees for collecting and disbursing the same, and out of all moneys received from the county treasurer, and paid out by him, one per cent. as his fees for receiving and paying out the same.

Deliver books etc. to successor

SEC. 36. The district treasurer shall deliver over to his successor in office all moneys, books, papers, tax lists and other property in his hands belonging to the district or to any sub-district therein, and in case any treasurer shall neglect or refuse to deliver such books, papers, tax lists and other property, or to pay over any money in his hands to his successor in office, or to the proper order of the trustees as provided in this act, the trustees of the district may sue in their name of office, and shall be entitled to recover the same with interest and costs.

SEC. 37. All district taxes levied or assessed in any one year for the support of common schools in the district, shall be contained in one and the same tax list, and

assessed by the trustees upon all the taxable property in the district according to the valuation thereof made for the last assessment of county taxes. The tax list shall contain the names of all taxable persons in the district, a description and valuation of each parcel of land and the valuation of personal property to be taxed, and the amount of tax levied on the same, and have annexed thereto the warrant of the trustees of the district, commanding the treasurer to collect the several sums therein mentioned from the persons therein named, and to report the amount collected on or before a day mentioned therein to the clerk of the district. Mode of levying

SEC. 38. The treasurer shall receive the tax list prepared as herein provided, and shall proceed to collect the same in the same manner and with the like power and authority to enforce the collection thereof, as is or may be conferred on the collectors of county taxes. He shall report the moneys collected as commanded in the warrant annexed to said list, and shall return his delinquent list to the auditor of the county in which is situated the property upon which the taxes in such delinquent list were levied, making oath that he had not, after the most diligent search and inquiry, been able to find any goods or chattels belonging to the person liable to pay such taxes whereon he could levy the same. And the auditor shall give a receipt for the taxes due on said list to the treasurer which shall be credited to said Treasurer on his settlement with the trustees. Return delinquent list to County Auditor

SEC. 39. The county auditor, on receiving such delinquent list, shall enter the same in a separate column on the tax roll next made by him, and shall proceed to enforce the collection of the same by sale of lands or otherwise, as is or may be provided by law for the collection of delinquent county taxes. Procedure with delinquent list

SEC. 40. The county auditor shall receive all reports of the school districts in the county which may be returned to him, enter the same in the books of his office, and annually on or before the first day of December make and transmit to the State Superintendent an abstract of all the reports so received by him on or before the first day of November next previous. He shall also receive from the State Superintendent and forward to the several district and school officers such blanks, reports and circulars as shall be forwarded to him for that purpose. To receive reports—transmit abstracts—time when—distribute blanks and circulars

The county auditor shall also keep with each school district and sub-district an accurate account of all moneys received or due to each of said districts, the amount of each delinquent tax list returned to him and the amounts collected thereon from time to time and all such matters as may be necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall examine any or all books in the office of county treasurer or any other county officer.

Apportionment of school money

SEC. 41. It shall be the duty of the county auditor on the last Wednesday of March and on the last Wednesday in October of each year, to make apportionments of the money in the county treasury for the support of schools among the several school districts in the county in which, as shown by their reports, there has been taught in each district for three months the preceding year, or for three months subsequent to the last apportionment, a common school, by a teacher licensed as provided in section number twenty-two of this Act, which shall be in proportion to the number of persons in the district between the ages of five and twenty-one, as shown by their several reports, and transmit a copy thereof to the clerk of each school district.

To pay money on order of auditor —approval of bond

SEC. 42. The county treasurer shall pay over upon the order of the county auditor to the treasurer of any school district, any money in his hands belonging to such school district or any sub-district therein, by any apportionment or by collection of any delinquent taxes; *Provided, however*, That the county treasurer shall pay no school moneys to any district treasurer until such district treasurer shall have filed in the office of the county treasurer notice from the clerk of his district that such treasurer has filed in the office of the district clerk, his official oath and bond, approved as provided in section number thirty of this Act. And, *Provided further*, That any and all moneys now in the county treasury and already apportioned to existing school districts of the county, and the moneys collected and which may be collected upon the delinquent list of any tax levied heretofore by any school district of the county, or may be hereafter levied by any sub-district constituted in pursuance of the provisions of this Act, shall be paid to the proper district treasurer for the use and to the credit of the several districts and sub-districts upon which the taxes so

collected were levied, to be by them applied to the indebtedness of such districts, or to such other purpose as it was or may be legitimately applied by such district or sub-district.

To procure register—from whom

SEC. 43. It is hereby made the duty of every teacher before commencing to teach a common school, to procure from the clerk of the district in which he shall teach, a school register, and therein keep a true record of the daily attendance of each scholar who may attend such school while under the instruction of such teacher, in accordance with the form prescribed in such register; and at the close of the school shall enter in said register correct answers to all statistical inquiries therein addressed to teachers, to the best of their ability, and return such register to the district clerk previous to the receipt of wages as such teacher.

Annual meeting—first election—time when

SEC. 44. There shall be held in each sub-district an annual meeting on the last Saturday of September for the election of officers thereof and the transaction of business, and the officers then chosen shall hold their offices for one year and until their successors are elected and qualified. But for the first election of officers for sub-districts, a meeting shall be held on the last Saturday of April, eighteen hundred and sixty-one, at six o'clock, P. M., at the school house in each sub-district, if there be one; if not, at such place as shall be designated by the district clerk of the existing districts who shall post written notices of such meetings in five or more of the most [public] places in such sub-district at least six days before such meeting, and notices of such meetings in new sub-districts shall be given in the same manner by the town clerk at such place in such sub-districts as he shall designate.

Special sub-district meetings

SEC. 45. Special meetings of the sub-districts may be called by the directors or any two of them when they shall think proper, and shall be called when requested in writing, by any five freeholders of the sub-district, copies of the notices for which, signed by the clerk or the directors or persons making the request, shall be posted as prescribed in the preceding section, and shall clearly set forth all the business proposed to be transacted at such meeting, and no business not specified in such notice shall be transacted at any special meeting.

SEC. 46. Notices for annual meetings shall be posted

Notice of annual meetings

in the time and manner prescribed in section forty-four by the clerk of the sub-district, and in case of his absence or neglect, by one of the directors thereof but no annual meeting shall be deemed irregular by neglect to post such notices, and no tax shall be levied by the vote of any sub-district meeting unless notices of the meeting shall have been posted as prescribed by this Act setting forth the design to vote a tax at such meeting and the purpose for which the tax is proposed to be levied.

Affidavit of posting of notice

SEC. 47. Before any vote shall be taken directing a tax to be levied upon any sub-district, proof of the posting of such notice shall be made by affidavit, some competent person cognizant of the fact, stating the time when, and the place where copies of such notices were published, which affidavit shall be filed in the office of the clerk of the district within ten days and recorded.

Qualifications

SEC. 48. The qualification of voters at sub-district meetings shall be those prescribed by article seven of the constitution of the State of Minnesota.

Powers of annual sub-district meetings

SEC. 49. The legal voters in any sub-district, or any portion of them, not less than five in number, when lawfully assembled in any annual sub-district meeting, shall have power by a majority of the votes of those present,

First.—To appoint a moderator.

Second.—To adjourn from time to time.

Third.—To choose a sub-district clerk and three directors, whose term of office shall continue until the next annual meeting and until their successors are elected and qualified.

Fourth.—To designate a site for a school house.

Fifth.—To vote a tax on the taxable property of the sub-district, to purchase or lease a suitable site for a school house, and to build, hire or purchase such school house, and to keep in repair and furnish the same with necessary furniture and appendages; *Provided*, That no tax shall be voted by a sub-district in any one year for building, hiring or purchasing a school house that shall exceed the sum of three hundred dollars, unless the trustees of the district in which the school house is to be situated, shall certify in writing their opinion that a larger sum ought to be raised, and shall specify that sum.

Sixth.—To repeal or modify their proceedings from time to time as occasion may require.

Seventh.—To levy an additional tax on the sub-district

not exceeding twenty dollars in any one year for the purchase or increase of a sub-district library, globes, maps, or apparatus as the interest and well being of the school may require. The selection of the books for the school library shall be directed by the voters of the sub-district.

Eighth.—To appoint a librarian who shall have the care and custody of the library under such regulations as the voters may adopt.

To furnish record book—post notices

SEC. 50. It shall be the duty of the clerk of each sub-district to record in a book to be provided by the directors, all the proceedings of the sub-district at annual and special meetings, and business transacted by the directors. To post notices of all annual meetings and special meetings on request of the directors or any five freeholders of the sub-district.

Care of school house—draw orders on treasurer

SEC. 51. The board of directors, two of whom shall be a quorum, shall have the local care and custody of the school house, furniture, apparatus, and other property of the sub-district, and shall contract for and superintend the erection, alteration or repairs of school houses and other structures for the use of the sub-district, and shall purchase or lease any school house site or other property for the use of schools in the sub-district in pursuance of the vote of any legal meeting of such sub-district. They shall provide for the clerk a suitable book in which they shall cause to be kept an accurate account of all their doings, and of all contracts and moneys belonging to the sub-district paid thereon or otherwise expended by them, and for the payment of all moneys directed to be paid by them they shall draw their order upon the treasurer of the district, which being countersigned by the chairman of the trustees and attested by the clerk of the district, shall be paid by the treasurer out of any moneys in his hands belonging to such sub-district.

To visit schools—file oath of office

SEC. 52. It shall be the duty of the officers of the sub-districts to visit the schools from time to time and report to the trustees or superintendent any matter in relation thereto which they may think advisable or necessary for the benefit of the same.

They shall each file in the office of the clerk of the district within six days after their election an oath that they will faithfully discharge the duties of their office according to the best of their ability, a refusal to do which shall be deemed a refusal to serve.

Voters to decide

SEC. 53. The legal voters of any sub-district may by resolution of two-thirds of the number present at any annual or special meeting, decide that a school may be taught only in the summer term or only in the winter term, and when any sub-district shall have so decided, the clerk of such sub-district shall within ten days file in the office of the district clerk a copy of such resolution and another in the office of the district superintendent.

To assign scholars in schools

SEC. 54. The district superintendent shall within ten days after filing such resolution assign the scholars of such sub-district for school attendance and tuition during the term so vacated to other sub-districts in the district as he may think best calculated to accommodate the attendance upon schools and the classification of scholars, and may by concurrence of the superintendent of an adjoining district assign scholars to attendance at schools in such adjoining district, and he shall deliver a statement thereof to the clerk of each sub-district interested, showing lists of the scholars assigned to each sub-district and the term during which they are so assigned.

Privileges of scholars

SEC. 55. The scholars so assigned shall be entitled to and enjoy during the term of assignment, the same rights and privileges of school as resident scholars, and in all cases of such attendance by assignment or otherwise shall be subject to the same rules and regulations.

May be dismissed to other schools —grounds for expulsion

SEC. 56. Any person or persons aggrieved by the attendance of any scholar or scholars at the school in the sub-district may complain to the district superintendent who shall make inquiry and consider the complaint, and shall direct the attendance of such scholars at the same or some other common school in the district as he may think best calculated to promote the welfare of schools and the several parties interested; *Provided, however*, That the superintendent may on such application or otherwise, expel from the school during the current term any scholar for gross immorality, profanity, infectious disease or habitual uncleanness.

Appeals—decision final

SEC. 57. Any person feeling aggrieved by the action of any district or sub-district meeting or of the trustees in altering or forming, or refusing to alter or form any sub-district or concerning any other matters, or any act or determination or neglect of any district superintendent may appeal in writing to the State Superintendent who is hereby authorized and required to examine and

decide the same and such decision shall be final and conclusive; *Provided, however*, That the decision appealed from shall be operative until the State superintendent shall reverse the same.

SEC. 58. For the purpose of maintaining common schools, it shall be the duty of the commissioners of each county to levy an annual tax of one-fourth of one per cent. on the amount of the assessments made by the assessors for the same year, and to include the same in their warrant to the county treasurer, and the county treasurer shall proceed to collect the said tax in the same manner the county tax is collected, and the said moneys so collected shall be retained by the county treasurer, for the support of common schools in the county, to be apportioned as provided in this Act. As a further provision for the support of such schools, there shall be set apart by the county treasurer of each county the proceeds of all fines for the breach of any penal laws of this State not otherwise appropriated by law. Levy of tax—by whom—fines set apart

SEC. 59. All lands and other property now held or which may be acquired by school districts or sub-districts for common school purposes shall be exempt from all taxes and assessments of every name and nature while held according to the provisions of this Act for such purposes. What exempt

SEC. 60. Nothing in this Act changing the title, condition or relation of existing school districts or school district property, shall be construed to affect or prejudice any right of such district to enforce by law against the proper parties thereto any contract, obligation or right now existing or which may exist at the time this act shall take effect, nor to affect or prejudice any right of any party who may hold any contract, obligation or right or lien upon any such district or the property thereof. Prejudicial to no existing contract

SEC. 61. The State Normal Board of Instruction is hereby directed to select and prepare a list of spellers, readers, grammars, geographies, arithmetics, histories, and other books, to be used in the common schools of this State, limiting the number of text books in each of said branches. Such selection shall be made at their next meeting and inserted by the State Superintendent in the blank school registers provided for by this Act, and shall be authoritative and binding upon said board, superintendents and teachers for the period of five years. Selection of books—by whom made

Report to Auditor—to draw public money

SEC. 62. Each of the incorporated towns and cities in this State, having by their several charters a common school system not incompatible with this Act, which shall by some proper officer in behalf of their several cities and towns, make to the auditor of the proper county, the report of enumeration and other matter by this Act made necessary to be reported, and shall have had within the past year at least three months schools by licensed teachers in the several sub-divisions of such cities and towns, shall be deemed to have complied with the requirements of this Act, and shall be entitled to their apportionment of public moneys to be reported and drawn substantially as provided in this Act.

Report to State Superintendent

SEC. 63. That incorporated boards of Education, of towns and cities, and the trustees of all incorporated academies, colleges and other literary institutions, shall, on or before the first day of December, annually, report to the Superintendent of Public Instruction, the name of each trustee, treasurer, and other officer and student, with a statement, its indebtedness, and such other information as may tend to exhibit its condition and operations.

How elected—term of office—vacancy—how filled

SEC. 64. The Legislature of the State of Minnesota, in joint convention of the Senate and House of Representatives, shall at some time during the present session, and every two years thereafter, elect a State Superintendent of Public Instruction, whose term of office shall commence on the first day of March next succeeding his election, and continue two years, and until his successor is elected and qualified. *Provided*, That the term of office of the person elected at the present session shall commence on the fifteenth day of March, A. D. one thousand eight hundred and sixty-one, and expire on the first day of March, A. D. one thousand eight hundred and sixty-three. And in case a vacancy shall ever happen in the office of State Superintendent of Public Instruction, by death, resignation or otherwise, the Governor shall fill the same, by appointment, for the unexpired term.

Oath of office—annual report

SEC. 65. The Superintendent of Public Instruction shall file in the office of the Secretary of State, his oath that he will support the Constitution of the United States and of the State of Minnesota, and discharge the duties of his office faithfully and to the best of his ability, and it shall be his duty to submit each year to the legislature, a report containing,

First—An abstract of all the common school reports received by him from the several towns, and showing the number of organized sub-school districts in the State, the number of schools taught, the enumeration of persons reported in the State between the ages of five and twenty-one years, and the number taught in the district schools.

Second—A statement of the condition of common schools, and other institutions of learning in the State.

Third—The amount of school moneys expended during the year, also the amount of other moneys expended for the support of common schools.

Fourth—All matters relating to his office—the common schools of the State and the school fund—that he may deem expedient to communicate.

Fifth—It shall be the duty of the State Superintendent to spend annually, on an average, at least six days in each judicial district of the State, superintending and encouraging teachers' institutes, counselling teachers and other school officers, visting schools, and delivering lectures on topics calculated to subserve the interests of popular education.

SEC. 66. It shall be the duty of the State Superintendent to prepare for the use of school officers and teachers, suitable forms for making reports, and conducting all necessary proceedings, and to distribute the same among the school officers of the State, and he is authorized to procure from the State Printer, proper school registers and forms at an expense not greater than at present allowed for other printing of the State, and on the presentation of proper vouchers, the auditor shall issue warrants for the amount contracted to be paid for such printing. Prepare forms—school registers

SEC. 67. The State Superintendent shall be allowed as compensation for his services a salary of one thousand dollars per annum, and a contingent fund of three hundred dollars per annum, said salary to begin to run from the first of January, one thousand eight hundred and sixty-one. Salary

SEC. 68. All acts and parts of acts, relating to common schools, and the Superintendent of Public Instruction, and all acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 69. This Act shall take effect immediately.

Approved March 7th, A. D. 1861.

CHAPTER XII.

An Act to Prevent Trespass on Lands Granted or Reserved by the Congress of the United States, to the State of Minnesota.

SECTION 1. Duties of County Commissioners and Sheriffs, of Justices of the Peace and Constables.
2. Penalty for cutting, destroying or carrying away timber from public lands.
3. Penalty for owners of horses, mules, asses or oxen used for the purpose of carrying away timber from said lands.
4. Repeal of Chapter 24 of Public Statutes.

Be it enacted by the Legislature of the State of Minnesota:

Duties of county officers

SECTION 1. That it is hereby made the duty of the county commissioners, and sheriffs in their respective counties, and of justices of the peace and constables in their respective townships, in the name of the State of Minnesota, to prosecute upon view or information, all persons who shall, after the passage of this Act, commit any trespass on lands granted or reserved to the State by any act or resolution of Congress for public use.

Penalty for cutting and destroying timber

SEC. 2. Any person, who shall under any pretence, cut, fell, box, bore, destroy or carry away any tree or sapling, standing or growing, or any fallen or dead timber upon any lands within this State, secured, appropriated or intended so to be by any act or resolution of Congress, either for the support of schools, or for the use and support of any university or college, or for any public buildings, or for internal improvements or for any other public use, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, nor less than fifteen dollars, and in default of the payment of the fine, shall be committed to the county jail for a term not less than thirty days nor more than three months.

SEC. 3. Any person, being the owner of horses, oxen, asses or mules, who shall directly or otherwise, permit any person or persons to use by or with his consent, said animals or any of them, in unlawfully carrying away or

removing any timber from any of the lands mentioned in the preceding section, shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred dollars nor less than fifteen dollars, and in default of the payment of the fine, shall be committed to the county jail for a term not less than thirty days nor more than three months. Penalty to owners of horses, etc

SEC. 4. Chapter twenty four of the Public Statutes of Minnesota is hereby repealed. Repeal of Chapter 24

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XIII.

An Act to Establish the Bureau of Public Lands, and for other purposes.

SECTION 1. State Board of Commissioners—duty of said Board.
2. Governor to appoint suitable persons for unorganised counties.
3. Duties of Surveyors.
4. Board of Commissioners to have power to fix compensation for surveyors.
5. When to cause to be made an accurate survey of swamp lands—surveyor to keep correct field notes, etc.
6. Board of Commissioners shall proceed to make contract for survey of all lands embraced in said grant—Governor shall communicate result of said survey, and procure such lands to be patented to the State.
7. Auditor of State to be Register of Bureau—compensation.
8. Treasurer of State to be Receiver of Bureau—his duties as said officer—shall give bond for faithful discharge of his duty.
9. Nothing to be construed to interfere with the duties of the Governor and other State officers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Governor, Attorney General and Superintendent of Public Instruction of this State be, and they are hereby declared to be a State Board of Commissioners of Public Lands. It is hereby declared to be the duty of said board, to procure from the surveyor general of the proper districts of United States public lands, such certified copies of the maps, together with the field notes, as may be necessary to enable them to discharge Board of Commissioners—duty of said Board

the duties imposed upon said board by this act. They shall also procure from time to time schedules of all lands belonging to this State, or which may be hereafter acquired, and books prepared for those several purposes, and enter the school lands, university lands, salt lands, capitol lands, railroad lands, and swamp lands, and designate the same upon said map. And the said board shall have the general care and supervision of the public lands, the selling or leasing the same, and the investment and disposition of the funds arising therefrom, under such provisions of law as may be established in reference thereto; *Provided*, That the same books, plats and field notes shall, as far as practicable, be used by the bureau of public lands, and by the state board of commissioners of school lands.

To appoint surveyors for unorganized counties

SEC. 2. That the Governor shall appoint suitable persons for unorganized counties, and for such counties whose surveyors neglect or refuse to comply with the requirements of this Act.

Duties of Surveyors

SEC. 3. That the county surveyors and such persons as may be appointed by the Governor, shall proceed to examine the lands of their respective counties, ordered by said board to be surveyed and examined, under such rules and directions as shall be prescribed by the United States Commissioner of the General Land Office, and of the Board of Commissioners of Public Lands, and report the result of such examination by or within the time or times prescribed, such reports shall set forth the character and quality of all lands in which this State has or may have title, of whatsoever name or nature, embracing soil, timber and mineral, as observed on or near all lines followed or run by the surveyor, together with a schedule of all lands to which this State is or may be entitled under the act of Congress of March twelfth, eighteen hundred and sixty.

To fix compensation

SEC. 4 That the said board of commissioners of public lands shall have the power to fix the rate or price per acre to be allowed to the county surveyors and other persons making the surveys and examinations authorized by this Act, or ordered under or in pursuance thereof; *Provided*, That such compensation shall not exceed one cent per acre for all swamp lands so examined and acquired by the State.

SEC. 5. The said board of commissioners shall, prior

to the first day of September, in the year of our Lord one thousand eight hundred and sixty-one, cause and procure to be made at the expense of the State an accurate survey of all swamp lands embraced in the grant made by Congress to Minnesota by the Act of March twelfth, eighteen hundred and sixty, in a certain number of congressional townships not exceeding twelve, to be selected and designated by said board of commissioners, and the surveyor or surveyors who shall be requested to make such survey, shall keep correct field notes and make accurate plats of the townships surveyed by them, showing the said swamp lands therein found, accompanied by a certificate under the hand of such surveyor or surveyors, that the same is a correct plat of said township and that the number of acres of swamp lands found in said township by such survey is , and cause the same so certified, together with the field notes of such survey, to be filed in the office of said board of commissioners of public lands on or before the first day of September, in the year of our Lord one thousand eight hundred and sixty-one, and the said board of commissioners shall thereupon immediately cause copies of said plats, certificates and field notes to be made and transmitted immediately to the commissioner of the general land office at Washington, for his approval of the said surveys and plats, and the amount of swamp lands certified to be found and embraced therein, with the request that the said commissioner shall signify his approval or disapproval of said surveys, and his acceptance of the same or any part thereof at his earliest convenience, and return the same to the Governor of the State, with his action expressed thereon, after said plats and field notes have been returned from the commissioner of the general land office with the amount of swamp lands accepted, the board of commissioners shall compare the amount of swamp lands so accepted from said actual survey, with the amount found by the field notes and plats of the government survey, and if upon said comparison it shall be ascertained that ten per cent. or more swamp land is found by actual survey than by the field notes and plats of the government survey, the governor thereupon shall give immediate notice to the commissioner of the general land office that the State will furnish evidence of the lands in this State of the character embraced in the grant

Accurate survey —when to be made

of Congress of March twelfth, one thousand eight hundred and sixty, and if upon said comparison it shall be found that the amount of said lands embraced in said grant as by the actual survey and acceptance of the commissioner of the general land office does not exceed by ten per cent. or more the amount as shown by the field notes and plats of the government survey, then the governor shall immediately notify the commissioner of the general land office that the State will be willing to abide by the field notes of the surveys of the general government, as designating said lands.

To make contract —procure land to be patented

SEC. 6. If the governor shall give notice to the commissioner of the general land office pursuant to the provisions of the last preceding section, that the State will furnish evidence of the lands of the character embraced in the grant to Minnesota, under the Act of Congress of March twelfth one thousand eight hundred and sixty, the board of commissioners of public lands shall proceed as soon as practicable to make contract for the survey of all lands of the character embraced in said grant upon the best terms for the State as to price and time and character of payment that can be had or made with any parties, and the governor shall communicate the result of said surveys and the evidence of the amount of all lands in any township of the character embraced in said grant, to the commissioner of the general land office, as fast as said surveys are made, and procure such lands to be patented to the State at as early a day as practicable.

Auditor of State to be Register—compensation

SEC. 7. The Auditor of State shall be register of the bureau of public lands and he shall do and perform such duties as are directed by said board and by law, and he shall receive in full compensation for his services, rendered by virtue of this Act, the sum of one hundred dollars for contingent expenses.

Treasurer to be Receiver—give bond

SEC. 8. The Treasurer of State shall be receiver of the bureau of public lands and it shall be his duty to safely keep and pay out according to law all moneys entrusted to his care by virtue of said office, and as directed by said board of commissioners, and make and execute a bond conditioned for the faithful discharge of the duties of said office to the State of Minnesota, in such sum and with such number of sureties as said board may require, which said bond shall be approved by and filed with said board of commissioners.

SEC. 9. Nothing in this Act shall be construed so as to interfere with the specific duties imposed upon the governor, attorney general, superintendent of public instruction, state auditor or state treasurer in an act to provide for the appraisal, sale and keeping of the school lands, and the investment of the funds arising therefrom. Not to interfere with duties of State officers.

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 11th, A. D. 1861.

CHAPTER XIV.

An Act to Provide for the Appraisal, Sale and Leasing of the School Lands and the Investment of the Funds Arising therefrom.

SECTION 1. State Board of Commissioners of school lands—its officers.
2. To have supervision of school lands and disposition of the funds.
3. To provide for suitable books for Register and Receiver—Board to examine books and accounts of Register and Receiver, at least once each quarter of fiscal year.
4. Register to keep record of all business transactions of Board.
5. Receiver to receive and keep all funds, and pay out all moneys in his hands on the proper order of the Commissioner attested by the Register—bond for faithful performance of duties.
6. Board of Commissioners required to procure copies of all plats and field notes of governmental surveys, so far as they relate to school lands.
7. Appraisement of school lands in any portion of the State.
8. Board of Commissioners shall settle with the Receiver on the second Tuesday of December of each year, and at such other times as they may require.
9. Minimum price per acre.
10. Appraisers appointed for the purpose of fixing value upon school lands above minimum price.
11. No person in possession of school land shall be appointed appraiser.
12. The appraiser appointed by the Board of Commissioners shall notify the Auditor of County of the time when and where he will attend and make such appraisement.
13. Each appraiser shall take and subscribe an oath that he will faithfully and impartially discharge the duties devolving upon him.
14. Duty of appraisers—land to be platted into town or village lots when directed—plat to be filed with County Auditor.
15. Appraisers shall make a personal examination of each portion of school land to be appraised by them.
16. To appraise all permanent improvements of school lands.
17. When authorized to employ competent surveyor.
18. May demand written statements from occupants on school lands—what portion of school lands they are occupying.
19. Duties of Sheriff—fees therefor.
20. All school lands claimed shall be assessed for taxation in the same manner as other lands are assessed.
21. If at such sale there are no bidders, the Treasurer shall strike off the same in the name of the State.

SECTION 22. The County Auditor shall add the appraised value of such improvements to the land, and make statement thereof in his report.
23. Lands and improvements may be leased in the discretion of the Board of Commissioners.
24. Every person holding school lands shall list the same with his other property.
25. Any person wishing to purchase any portion of school lands after appraisement, Board of Commissioners may direct the Auditor of the proper county to advertise the sale of the lands for which offers are made.
26. County Auditor to advertise the sale of such lands, time and place to be fixed by him.
27. Each tract shall be offered seperately.
28. Auditor shall deliver to each purchaser a certificate required by Treasurer and countersigned by such Auditor stating name of purchaser, etc.
29. In case the purchaser fails to comply with the terms of the sale, the lot so sold shall be again offered for sale.
30. The certificate of sale shall confer upon the purchaser all the rights and liabilities of a title in fee simple.
31. All such certificates may be assigned in writing, etc.
32. All lands sold under the provisions of this Act, shall be subject to taxation.
33. In case of default in the payment of either principal or interest when it shall become due, such certificate shall become void, and the holder thereof shall forfeit all right and interest.
34. The Treasurer of each county shall be treasurer of the school fund—bond for the faithful performance of duties.
35. All payments of the school fund shall be made to the County Treasurer—duplicate to be filed in the Auditor's office.
36. When payments shall be fully made, the Auditor of the proper county shall certify such payment.
37. Each County Treasurer shall keep a true account of all moneys received by him, belonging to the school land fund—report to State Superintendent—time when.
38. Payment of school fund shall always be made in specie.
39. All payments of school lands upon which are improvements, shall be made subject to the payment by the purchaser to the person owning the same.
40. County Auditor to keep an account with the Treasurer, and shall quarterly make a full settlement with such Treasurer.
41. The principal sum arising from sales of school lands shall remain a perpetual school fund.
42. All moneys received as interest on such fund shall constitute a current school fund.
43. The school fund shall from time to time be invested in United States Stocks or Stocks of the State of Minnesota, at current value in the city of New York.
44. Compensation for Register and Receiver.
45. Compensation for Appraiser appointed by the State Board of Commissioners.
46. All acts inconsistent with this Act are hereby repealed.

Be it enacted by the Legislature of the State of Minnesota:

State Board of Commissioners—its officers

SECTION 1. That the Governor, Attorney General, and Superintendent of Public Instruction be, and they are hereby constituted a State Board of Commissioners of school lands, that the auditor of state shall be the register, and the state treasurer shall be the receiver.

Supervision of lands and disposition of funds

SEC. 2. Said board of commissioners shall have the general care and supervision of the school lands, the selling or leasing the same, and the investment and disposition of the funds arising therefrom under such provisions of law as may be established in reference thereto.

SEC. 3. It shall be the duty of the State board of commissioners to provide suitable books for the register and receiver in which to make and preserve faithful records of all the doings of the board, and accurate entry of all

sales, contracts, or leases of lands and the conditions thereof, an accurate statement of the funds arising from such sales or leases distinguishing between funds arising from sales, rents of lands, and interest upon unpaid balances on contracts, and upon money invested, and a record of all appraisements and surveys made therefor. And it shall be the duty of said State board of commissioners to examine the books and accounts of the register and receiver at least once in each quarter of the fiscal year, and to exercise a general care and supervision over the business of the department.

Provide books for officers—when to examine books

SEC. 4. The register shall keep an accurate record of all the business transactions of the board of commissioners and file and record all papers, reports, returns, and other matters necessary to carry out the provisions of this Act, under the instructions of the board of commissioners, keeping accounts of all funds belonging to the State or accruing under the provisions of this Act; and in such accounts distinguishing between the permanent school fund and the current and other school funds, and shall attest all orders for the payment of moneys, or their transfer from the county treasuries to the receiver, or from one county treasury to another, as may be directed by the board of commissioners in the distribution of the current school funds, and said board are hereby authorized to order such transfer of funds from one treasury to another as may be necessary or desirable in the disbursement and distribution of the current school funds.

Duty of Register

SEC. 5. The receiver shall receive and safely keep all the funds whether in cash or otherwise, accrued or accruing to the State for school purposes and coming to his hands. He shall keep an account of all such funds coming into his hands, and also of all moneys paid out by him, and in every case distinguishing between the permanent funds and the current funds; and shall pay out all moneys in his hands on the proper order of the commissioners, attested by the register, and any moneys in his hands and all books, papers and other property belonging to his office he shall deliver to his successor in office, taking his receipt therefor.

Duty of Receiver —give bond

The receiver shall also execute and deliver to the State of Minnesota a bond with five or more good and sufficient sureties, in the sum of ten thousand dollars conditioned for the faithful performance of the duties of his

said office, and that said receiver shall keep and account as provided by law, for all moneys that shall come into his hands or under his control, under or in pursuance of the provisions of this Act; and said bond shall be payable to the State of Minnesota, and shall be approved by the State board of commissioners. And said receiver shall also, before entering upon the duties of his office, take and subscribe an oath before some person authorized by law to administer oaths, that he will faithfully discharge the duties of his office, which said oath of office and his official bond, shall be deposited with the governor of this State before entering upon the duties of his said office.

Procure copies of all plats and field notes

SEC. 6. The State board of commissioners are hereby instructed and required to procure copies of all the plats and field notes of the governmental surveys so far as they relate to school lands belonging to the State, and also the original field notes and plattings of all surveys of subdivisions and allotments made under or by direction of said board.

Appraisement of school lands

SEC. 7. They shall cause to be made an appraisement of the school lands in any portion of the State whenever they shall think the interest of the school fund demands it, and for that purpose shall appoint some suitable person to be appraiser of the school lands in the State at large, and shall direct the register to furnish to him suitable plats and blanks to be used in making the same; such appraiser to be associated with others to be appointed, one in each county and one in each town in the State, as hereinafter provided and directed.

Settle with Receiver-time when

SEC. 8. The State board of commissioners shall settle with the receiver on the second Tuesday of December of each year, and at such other time or times as they may require, making an entry of the same upon his books, attested by them, and the State superintendent of public instruction shall incorporate a full exhibit of the condition of each fund and all other matters in relation to the same into his annual report required to be made to the legislature, and shall on the first Monday of February in each year apportion the available current school funds in the State treasury to the several counties of this State in proportion to the reported number of scholars between the ages of five and twenty one years residing therein on the first day of October previous, and shall

transmit a statement thereof to the auditor of each county in this State.

Minimum price per acre

SEC. 9. No school land held by this State shall be sold or offered for sale at less than seven dollars per acre which shall be the minimum price for all such lands in all cases.

To fix value above minimum price

SEC. 10. For the purpose of fixing a value upon such of the school lands as may be of a greater value than seven dollars per acre, there shall be appointed by the board of commissioners of the bureau of public school lands, one appraiser of school lands in the State at large, one appraiser shall be appointed by the county commissioners, and one by the supervisors of each town in which appraisements are ordered to be made; the appraiser appointed by the county commissioners shall assist in appraisement of all such lands in the county, and those appointed by the supervisors shall assist in appraising all such lands in the town for which they are respectively appointed, making them a board of three appraisers.

Who not to be appointed appraisers

SEC. 11. No person holding possession or occupying any school lands, or claiming any interest therein, or any investments thereon, shall be appointed an appraiser under this act.

Time when and where he will attend

SEC. 12. When directed by the State board of commissioners to make an appraisement of the school lands or any part thereof, in any town or county in the State, the appraiser appointed by the board of commissioners shall notify the auditor of the county of the time when he will attend and make such appraisement, and such auditor shall give notice to the commissioners of the county and the chairman of supervisors of the towns and such commissioners and supervisors shall make the appointment of appraisers as directed in this Act.

Oath

SEC. 13. Each appraiser shall before entering upon the duties of his office, take and subscribe an oath or affirmation before some officer qualified to administer oaths that he will faithfully and impartially discharge the duties devolving upon him as such appraiser, according to the best of his ability, and that he is not interested directly or indirectly in any of the school lands or the improvements thereon, and has entered into no combination to purchase the same or any part thereof which said oath or affirmation shall be attached to the report made of such appraisement as hereinafter provided.

Duty of appraisers

SEC. 14. It shall be the duty of the appraisers to divide the school land to be appraised by them into such parcels as in their judgment will best advance the interest of the school fund, conforming as far as can conveniently be done with sub-divisions of the United States surveys, no one of which shall contain more than one hundred and sixty acres, and no lot of timber land, (except pine lands) the principal value of which consists in the timber growing thereon, shall contain more than ten acres, and when the State board of commissioners shall direct, land shall be platted into town or village lots, containing not less than one acre in each of such lots, and in all cases of sub-divisions, less than forty acres the appraisers shall make a plat thereof, numbering the several sub-divisions by successive numbers and marking distinctly thereon in figures, the number of acres each sub-division contains, a copy of which plat shall be filed in the office of the county auditor.

Appraisers to make personal examination

SEC. 15. The appraisers shall proceed to make a personal examination of each portion of school land so divided and to be appraised by them, and if in their opinion any such sub-division of land is worth more than the minimum price per acre as established by this Act, they shall set down opposite the description of such land the value thereof as ascertained by them, but if they shall think such land is not worth more than the minimum price they shall write opposite such lands "minimum;" and for the purpose of ascertaining the amount of rent to be assessed in pursuance of the provisions of this Act, the said appraisers shall also set opposite the description of such land as they shall think worth not more than the minimum price, such price per acre as they shall deem such land to be actually worth.

To appraise all permanent improvements

SEC. 16. The appraisers shall also appraise all permanent improvements of school lands, and shall also appraise all damages and waste to the premises by cutting timber, or the removal of timber, stone, or other materials from the premises, and the balance, after deducting damages and waste appraised as aforesaid, shall be set down as the value of the improvements upon the lands so appraised. *Provided*, That this section shall not be construed to affect the right of the State to the value of such lands appraised.

SEC. 17. Whenever the appraisers are unable to

ascertain the lines of the United States surveys, which may be important to a correct knowledge and estimate of the value of any tract or parcel of school lands which they are directed to appraise; or when they shall think the interest of the school fund requires the appraisal of lands in parcels less than forty acre tracts, they are hereby authorized to employ competent surveyors, to reproduce such lines or make sub-divisions of such lands, and plats of the same, in doing which the surveyor shall pursue the methods of marking lines and bearing trees and the erection of monuments directed to be pursued by surveyors of United States lands, which surveyor shall also keep similar field notes, and such other notes as may be required of him by instructions from the board of commissioners, and having subscribed and sworn to the correctness of the same, shall deliver such field notes and plats to the appraisers, who shall by one of their number make return thereof to the State board of commissioners with the appraisement of all such lands and improvements thereon as provided in this Act, and deliver a copy thereof to the auditor of the proper county.

When authorized to employ surveyor

SEC. 13. Whenever the appraisers shall find any portion of the school lands under cultivation, and in the actual occupation of any person or persons, they shall demand of such person or persons a statement in writing, under his or their hands, setting forth what portions of such lands in legal sub-divisions, containing no more than one hundred and sixty acres, nor less than forty acres, he or they are occupying and are desirous of continuing to occupy, which shall embrace all the lands, provided the same does not exceed one hundred and sixty acres, upon which such occupant has made improvements, and no more, and the said occupant shall be entitled to retain the possession and occupation of such land, upon complying with the provisions of this Act, and not otherwise. The appraisers shall file such written statement in the office of the auditor of the proper county, and all persons are hereby prohibited from taking possession of or entering upon for the purpose of settlement or use, any school lands belonging to this State, except as a purchaser or lessee as provided in this Act, under a penalty of $——, and every person entering upon school lands or occupying the same unlawfully, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine

Written statements from occupants

not exceeding one hundred dollars, nor less than twenty-five dollars, and every person who has knowledge that any party or parties have illegally entered upon any school lands, or is unlawfully continuing in the occupancy thereof, to make complaint of such party or parties before any justice of the peace in county in which the said lands are situated, setting forth that such party or parties (naming them) have illegally and without authority entered upon any school lands, (describing them,) and continues in the occupation thereof unlawfully, and such justice shall thereupon issue his warrant, and cause such party or parties to be forthwith arrested and brought before him, and shall proceed to hear the evidence offered in support of the complaint, and in behalf of the defendant, and if the said justice shall find the facts set forth in said complaint to be true, and said party or parties guilty of the charge in said complaint contained, he shall order such party or parties to pay a fine not exceeding one hundred dollars, nor less than twenty-five dollars, and to stand committed until such fine is paid, for a term not exceeding three months, and may also issue an execution for the collection of such fine, out of any property of the defendant not exempt by law from execution. And an appeal shall be allowed from the judgment of the justice, on behalf of the defendant or the State, and the cost of said proceedings shall be paid out of the fines collected, and the balance of said fines shall be paid into the county treasury, and become a part of the school fund. *Provided*, That any party arrested under the provisions of this Act, shall be entitled to a jury trial, as in other cases in justices' courts. And *Provided*, That when no fines are collected, the costs of such proceedings shall be paid by the State.

Duties of Sheriffs.

SEC. 19. It shall be the duty of the sheriff of each and every county in this State to remove from the school lands belonging to this State in a summary manner, any and all persons who have since the first day of January, one thousand eight hundred and sixty-one, entered upon the school lands, or who may hereafter without authority of law, enter upon with the intent to improve or occupy any part thereof; any sheriff making such summary removal shall collect the cost of such proceedings by levy upon the goods, chattels or any other property of such person or persons, if he shall find such, from which levy

no property of such person shall he exempt except wearing apparel and bedding.

To be assessed in same manner as other lands

SEC. 20. Each and every parcel of school land claimed to be held, and all the improvements thereon, shall be assessed for taxation by the town assessor, at the same rates and in the same manner other lands and improvements are assessed, and the taxes levied upon such valuation together with five per cent. upon the value of the land as ascertained by the appraisers or fixed by this Act, as a rent, shall be collected with taxes upon other property, and in the same manner and for all the purposes for which other property can be taxed, *Excepting, and provided always*, That a failure to pay such taxes upon such lands shall not work a forfeiture of the title the State has to such lands; *And provided further*, That if there shall not be goods and chattels whereof to levy and collect such tax, the same may be collected by distress and sale of any or all interest the occupant or any other person may have in the improvements upon such lands, giving like notice as is given for sale of real estate upon execution, and such sale shall be absolute from sixty days after the date thereof, and vest in the purchaser all right and title of the occupant thereof in or to such property, and the possession and occupancy of the lands upon which they are situated.

When to bid in the name of the State

SEC. 21. If there are no bidders at such sale who will bid and pay for the improvements so offered, the amount of taxes assessed thereon, and the five per cent. rents charged upon the appraised or minimum price of such lands, the treasurer of the county or such other person as may be by law authorized to make sale of such improvements, shall strike off the same in the name of the State for the benefit of the school land fund, and shall make report thereof to the county auditor and to the board of commissioners.

To add appraised value to lands improved

SEC. 22. The county auditor shall add the appraised value of such improvements to the appraised value of the lands upon which such improvements are situated, and the aggregate thereof shall be the value of such lands, and upon which the rent of five per cent. shall be estimated, and shall make statement thereof in his report.

SEC. 23. The lands and the improvements thereon thus acquired by the State may, in the discretion of the board of commissioners, be leased for five per cent. per

Lands and improvements may be leased

annum upon the aggregate value thereof, payable annually (in advance,) and they may also make such arrangements for the rent of grass and cranberry lands or the sale of grass or cranberries upon such lands as they may deem best calculated to increase the revenue arising therefrom, and for that purpose may authorize the chairman of the supervisors of the proper town, or any other suitable person to look after the same, and report and pay the amount realized therefrom to the county treasurer.

School lands to be listed with other property

SEC. 24. Every person holding or claiming to hold possession of any part of the school lands of this State, whether appraised or not, shall list the same with his other property, as required by section four of chapter one of the general laws of the State of Minnesota, approved March ninth, one thousand eight hundred and sixty, giving the amount and description of such school lands claimed to be in his possession, which shall be assessed by the assessor as other lands are assessed, and the county auditor shall in addition to all taxes levied thereon in pursuance of such assessment, enter in a separate column opposite such lands an assessment of five per cent. upon the appraised or minimum value thereof, as a rent therefor, to be collected as provided in this act, and all lands not appraised shall be assessed such rent upon the minimum value of seven dollars per acre.

SEC. 25. After the school lands in any county or portion of the State have been appraised and the appraisal returned to the board of commissioners, any person wishing to purchase any portion of such lands at a price equal to the appraised value or the minimum price, as the case may be, or at some greater price, may transmit to the register an offer, embracing a full description of the land and the price offered to be paid therefor; and when the number of such offers from any one county shall appear sufficient to warrant the expense of a public sale the commissioners may direct the auditor of the proper county, to proceed to advertise a sale of the lands for which offers are made, and such other lands as they may direct. selecting the most valuable for the first sales, and provided that not more than one-third of all such school lands shall be offered and sold within two years; one-third in five years, and one-third in ten years.

To advertise lands for which offer are made

SEC. 26. The county auditor shall proceed to adver-

tise the sale of such lands at a time and place to be fixed by him, in the county where the land lies. And the notices for such sale shall be given in the same manner and for the same length of time as notices given for sale of lands for delinquent taxes. The sales shall be held between the hours of ten o'clock in the forenoon, and sundown, and shall be continued from day to day, (Sundays excepted,) until all the lands proposed to be sold are offered. Auditor to fix time and place

SEC. 27. Each lot or tract shall be offered separately, and in the order they are inserted in the notice, and no land shall be offered or sold at less price than the appraisement, nor less than seven dollars per acre. Each tract to be offered separately

SEC. 28. Upon the close of the sales of each day the auditor shall deliver to each purchaser, upon his compliance with the terms of sale prescribed by this act, a certificate signed by the treasurer and countersigned by such auditor, executed in duplicate and numbered in the order of execution, stating therein the name of the purchaser, a description of the land sold, the price thereof, the amount remaining unpaid, the terms and times of payment, and the rate and times of payment of interest, but no title shall pass until the patent shall issue therefor, and no patent shall be issued until full payment of the purchase money, interest, and the taxes thereon. Auditor to give certificate

The duplicate certificate shall be filed in the office of the county auditor and all notes and other evidences of debt for such purchases shall be deposited with the county treasurer.

SEC. 29. In case a purchaser shall refuse or neglect to comply with the terms of the sale, and fail to make payment as prescribed in section thirty-five of this Act, until the opening of the sale on the following day, the lot so sold shall be again offered for sale on the same terms as before; and the purchaser so refusing or neglecting to pay shall forfeit a sum equal to five per cent. on the amount by him bid as damages, to be recovered by the chairman of the board of county commissioners in the name and behalf of the State. When to be again offered for sale

SEC. 30. The certificate of sale hereinbefore mentioned, shall confer upon the purchaser, his heirs and assigns, all the rights and liabilities of a title in fee simple as against all persons except the State of Minnesota, but it shall not confer any right to cut, destroy or carry away Title in fee simple

from the land any timber growing or standing thereon, or to impair any improvements, or to remove any minerals therefrom without the written consent of the chairman of the board of county commissioners, and only to the extent of such consent.

But nothing herein contained shall prevent such persons from actually using and applying any wood or timber on the land in improving the same; nor from taking therefrom fuel for the use of his family, nor from actually and fairly improving the land for cultivation.

Certificates to be assigned in writing

SEC. 31. All such certificates may be assigned in writing, witnessed and acknowledged, and the legal assignee shall have the same rights, liabilities and remedies thereupon as the original purchaser.

To be subject to taxation

SEC. 32. All lands sold under the provisions of this Act shall be subject to taxation, the same as other lands, but only the rights of the legal holder thereof can be sold for taxes.

Certificate when to become void

SEC. 33. In case of default in the payment of either principal or interest when it shall become due by the terms of the certificate of sale, and for the period of six months thereafter such certificate shall become void from that time, and the holder thereof shall forfeit all right and interest to and in the land described therein, and the board of county commissioners may take immediate possession of the premises and re-sell or lease the same to any person; *Provided*, That at any time before a resale or leasing of said land, the payment of the sum due with interest and costs occasioned by such delay together with five per cent. damages upon the whole sum due for said lands shall receive and reinstate the original certificate.

County Treasurer treasurer of school fund—bond

SEC. 34. The treasurer of each county is hereby made treasurer of the school fund, and as such treasurer he shall execute a bond in the sum of five thousand dollars payable to the State of Minnesota with five good and sufficient sureties, conditioned for the faithful performing the duties of his said office, and that he will account for and pay over all moneys received by him as such treasurer under the provisions of this Act, which said bond shall be approved by the board of county commissioners, and said treasurer of the school fund shall take and subscribe an oath before some person authorized by law to administer oaths, that he will faithfully discharge

the duties of his office, which said oath of office and his official bond shall be deposited with the Governor of this State before entering upon the duties of his said office. *Provided further*, That if the treasurer of any county shall refuse, or for the space of thirty days after the appraisal of any school lands in such county shall neglect to qualify as provided in this section, the State board of commissioners may appoint some person to act as treasurer of the school fund in said county, who shall execute his bond and qualify as hereinbefore provided.

Payments to be made to County Treasurer—duplicate to be filed

SEC. 35. All payments of principal or interest of the school land fund shall be made to the county treasurer of the proper county, who shall execute duplicate receipts therefor, specifying whether the same is for principal or interest, and the person receiving such duplicate receipts shall immediately deliver them to the county auditor, who shall endorse on one of them the words "duplicate surrendered," with his name thereunder written, and shall return this receipt so endorsed to the person presenting it, and the duplicate shall be filed in the auditor's office, and no receipt without such endorsement shall be, in the hands of such purchaser, evidence of payment.

Auditor to certify to payments

SEC. 36. When payment of principal, interest and taxes for any purchase shall be fully made, the auditor of the proper county shall certify such payment upon the duplicate certificate of sale on file in his offie, and shall transmit the same to the register of the bureau of public school lands, whereupon the Governor shall execute a patent therefor, signed by him and sealed with the great seal of the State, and attested by the State Superintendent of Public Instruction, which shall be transmitted to the auditor of the proper county, to be delivered to the purchaser on presentation of the endorsed certificate of sale held by him.

To keep true account—report—time when

SEC. 37. Each county treasurer shall keep a true account of all moneys received by him belonging to the school land fund, distinguishing between principal and interest; also an account of all bonds, notes and assets of every kind and description, so that his books will at all times exhibit a clear and comprehensive statement of the condition of the school fund in the county treasury, distinguishing always between permanent funds arising from sales of school land and which are to be invested, and moneys arising from interest upon such funds and

rents of land and other similar sources, which are to go into the apportionment for defraying the expenses of schools. He shall pay to the receiver in gold or silver all school funds in his hands on or before the time of his annual settlement with the state treasurer when required by the state board of commissioners. He shall also on or before the first day of December in each year, transmit to the State Superintendent of Public Instruction, a report, showing the exact state of the permanent and current school funds of the State in his county, together with such other matter within his knowledge as may tend to a perfect understanding of the condition of those funds, which report shall be signed by such treasurer and its correctness attested by the auditor.

Payments to be made in specie

SEC. 38. Payment to the school fund shall always be made in specie, and the terms of payment to the State for any of the school lands sold under the provisions of this Act shall be as follows:

Twenty-five per cent. of the purchase money shall be paid on the day of the sale, together with interest on the balance to the first day of November following, at the rate of six per cent. per annum.

For the balance of the principal, notes shall be given, payable in one or more installments at any time within twenty years from such sale at the option of the purchaser, with interest at six per cent. per annum, payable annually in advance on the first day of November in each year at the office of the treasurer of the proper county. *Provided*, That the whole amount of the purchase money may be paid on the day of the sale or at any other time or times before it becomes due, and on making such payment the purchaser shall receive his proper certificate.

And, *Provided further*, That for all timbered lands, the value of which consists chiefly in the timber thereon, payment shall be made on the day of the sale thereof, or a credit may be given for a part of the purchase money, not exceeding, however, three-fourths of the whole sum, upon being secured by mortgage upon unincumbered real estate, worth twice the sum to be secured by such mortgage, at the option of the board of county commissioners. Such mortgage shall run to the State of Minnesota, and in case of default in the payment of the money secured thereby, or the interest thereon, the chairman of the board of county commissioners shall fore-

close the same in the manner provided by law for the foreclosure of mortgages, and if necessary shall bid in the property mortgaged on behalf of the State, and the payment of interest shall be as provided in this section. And such foreclosure shall be effectual to bar the right of redemption of the mortgagor or other person claiming under him.

Payments made subject to the purchaser

SEC. 39. All sales of school lands upon which are improvements appraised by the appraisers as herein provided, shall be made subject to the payment by the purchaser to the person owning such improvements the value of all such improvements, as ascertained by the appraisers, unless the same be sold to the person owning such improvements. The value of such improvements shall be in addition to the sum bid to be paid to the State for such lands, and shall be paid, one-half on the day of sale, and the balance in six months, with interest at the rate of six per cent. per annum. And every such claim shall be a valid lien upon the land from the date of such sale as against all persons and parties except the State of Minnesota until entirely paid.

Auditor to report quarterly

SEC. 40. The county auditor shall keep in his office an account with the treasurer of his county, charging therein all notes, bonds, moneys and assets of every kind and description delivered to such treasurer; also all moneys paid to such treasurer as hereinbefore mentioned, distinguishing between principal and interest; and shall on the first Monday of January, April, July and October in each year, make a full and complete settlement with such treasurer of such school fund account and transmit to the State Superintendent of Public Instruction a report showing the amount of school lands sold in that year, the amount of purchase money, the amount of proceeds loaned, the number of acres leased, and other matters relating to the school lands or school funds in the county, which may aid the State Superintendent in making his annual report to the legislature as required by law.

Perpetual school fund

SEC. 41. The principal sum arising from all sales of school lands shall remain a perpetual school fund in the State, and shall not be reduced by any charges or costs of officers, by fees or by any means whatever.

SEC. 42. All moneys received as interest on such permanent fund, or rents on leased lands, shall constitute

What to constitute a current school fund

the current school fund of the State, and shall be distributed by the State Superintendent among the several counties of the State in proportion to the number of scholars therein between the ages of five and twenty-one years, and after such distribution, such money shall become the property of such county for school purposes, and shall, together with the school tax of two and a half mills, and all other school moneys become the current school fund of the county, and shall be apportioned as provided by law.

School fund in what to be invested

SEC. 43. The permanent school fund shall from time to time be invested in United States stocks or stocks of the State of Minnesota, at current value in the city of New York, and the board of commissioners are hereby authorized to make such investment in their official capacity for the benefit of the permanent school fund of the State of Minnesota, and said stocks at the time of the purchase thereof, shall have written upon each certificate of stock, the words "Minnesota School Fund," and said certificates of stock shall not thereafter be negotiated until there shall be written thereon the certificate of the State Board of Commissioners, signed by each member thereof, to the effect that the said stocks are no longer school fund property.

Compensation

SEC. 44. There shall be allowed for the increased duties imposed by the provisions of this Act, as follows: To the register the sum of two hundred and fifty dollars annually, and to the receiver the sum of two hundred and fifty dollars annually, which shall be in full compensation therefor.

Compensation for Appraiser

SEC. 45. The appraiser appointed by the State board of commissioners shall be allowed a compensation of three dollars per day for all time actually spent in the discharge of his duties as such appraiser, to be audited by the board of commissioners, and paid out of the moneys arising from the rents assessed upon the occupants of the school lands. The appraisers appointed by the county commissioners and the boards of supervisors of the several towns, shall be allowed one dollar and fifty cents per day for time actually spent in discharge of the duties imposed upon them, to be audited by the county commissioners and paid by the proper county.

SEC. 46. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 9th, A. D. 1861.

CHAPTER XV.

An Act to Regulate Elections in this State, and to Reduce the several Acts Relating to the same to one Act.

SECTION 1. Time of holding election—officers to be elected.
2. What to constitute an election district—manner of appointing judges of election.
3. Supervisors to provide ballot boxes—to be kept by the town clerk.
4. Who to post notices—what notice to contain.
5. Duties of judges of election.
6. Provision in case of judges refusing to serve.
7. Time of opening and closing polls.
8. Compensation for judges and clerks of election.
9. Inspection of ballot box before opening of polls.
10. To vote by ballot.
11. Names of all candidates to be on one ballot.
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15. Judges to ascertain the number of votes cast for each person voted for—form of return.
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17. Form for list of electors.
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21. Time when to be canvassed before legislature.
22. Abstractof canvass of vote for county officers to be made on one sheet.
23. Abstract of votes for members of Congress, President and Vice President—to be made on one sheet.
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30. Per diem of Electors.
31. Persons having the highest number of votes declared duly elected.
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33. Duties of county auditor where counties do not constitute a Senatorial District.
34. Canvassing board where two or more counties are united in one Senatorial district—time of meeting.
35. Form of the abstract of votes provided for in this Act.
36. Time for the election of Congressmen.
37. Governor to call special election in case of a tie, or to fill vacancies.
38. Auditor to transmit abstract of votes—time when—penalty for neglect.
39. Duty of Judge of Probate in case of death or absence of county auditor.
40. When several persons receive same number of votes, election to be determined by lot.
41. Fees for carrying returns to auditor.
42. Vacancy in Legislature—how filled.
43. Auditor shall not refuse returns on account of informality.
44. Penalty for refusal or neglect to perform duties.
45. Term of office—when to commence.
46. Officers elected to fill vacancies to enter upon duties immediately.
47. Civil process, not to be served on day of election.
48. Person having majority of votes deemed elected.

SECTION 49. Contested elections—proceedings in case of.
50. Justices to summon witnesses.
51. None but electors to have right to contest.
52. Election of county officers—how contested.
53. Election of State officers—how contested.
54. Parties may introduce written or oral testimony.
55. Rules to be observed in contested elections.
56. Contest in relation to removing county seat of any county in this State.
57. Secretary of State to provide blanks for lists of electors.
58. Fees for making out abstracts, etc.
59. Election districts—when and how formed.
60. Governor to publish list of election districts established.
61. Elections in such districts—how conducted.
62. Rules for ascertaining who are qualified electors.
63. Elector shall vote in the district where he resides.
64. Penalty for violation of preceding section.
65. Penalty for voting more than once at same election.
66. Penalty if non-resident of this State shall vote.
67. Unqualified voters—how punished for illegal voting.
68. Penalty for aiding or assisting another to vote illegally.
69. Penalty for inducing persons to come into county to vote.
70. Penalty for bribing elector.
71. Penalty for deceiving elector as to contents of ticket.
72. Oath to be administered when voter is challenged—questions to be put by judge.
73. Person refusing to answer, judge shall refuse his vote.
74. Oath administered after questions have been answered.
75. Person refusing to take the oath shall not be permitted to vote.
76. Judge to challenge persons he may deem unqualified.
77. Penalty for fraudulently putting ballots into the box.
78. False swearing when challenged, deemed willful perjury.
79. Person convicted of such offences to be deemed thereafter disqualified as an elector.
80. Prosecutions to be conducted before District Court.
81. Fines to be paid into the county treasury.
82. Act to apply to all future elections.
83. Act to be given in charge to Grand Jury.
84. Repeal of former laws.
85. When Act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Annual election—when held

SECTION 1. On the first Tuesday after the first Monday in October in each and every year, excepting the year in which the election of President of the United States occurs, and in that year on the first Tuesday after the first Monday of November, a general election shall be held in the several election districts of the State, which said election shall also be known as the annual election of the State. And the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the District Court, Clerks of the District Court, Sheriff, Coroner, County Auditor, County Commissioners, County Treasurer, Register of Deeds, County Surveyor, County Attorney, Court Commissioner, Members of the Senate and House of Representatives, Members of Congress, and all other State and County officers shall be elected at the annual election next preceding the expiration of the term of each of said

officers respectively. And that on the year when a President and Vice President of the United States are to be chosen, a number of electors of President and Vice President of the United States, equal to the number of Senators and Representatives to which this State may be entitled in the Congress of the United States shall be elected at said election.

SEC. 2. That each organized township in the State shall constitute an election district; each ward of any incorporated city in this State, shall also constitute an election district. The township supervisors of each township shall be the judges of election, and the town clerk of each township shall act as one of the clerks of election in their respective election districts, and the judges shall appoint an additional clerk of election, who shall be of an opposite party, if practicable, to the town clerk. Election districts

The city council of each incorporated city shall appoint three qualified electors of each election district of said city, who shall be the judges of election in their election districts respectively, and who shall appoint two qualified electors of their election districts, excepting that in the city of Saint Paul and the city of Rochester, the aldermen in each ward of said cities shall be the judges of election in their respective election districts, and shall appoint two qualified electors of each ward respectively, who shall be the clerks of election of the said election districts respectively.

The election shall be held in each election district, at the place where the last preceding town meeting or ward election was held in each election district respectively; *Provided*, A vote has not been taken to hold it elsewhere, and in such case the election shall be held at the place designated; *And provided*, The city council of any incorporated city may, by ordinance, incorporate any two adjoining wards into one election district, and appoint the place of holding the election in each district, *Provided*, That in any township having over five hundred electors, the supervisors may divide the same into two election districts and may designate the boundaries of such districts, and thereafter there shall be elected at the annual town meeting of such township, three judges of election, and two clerks of election in each district, and the place of holding election in each district shall be designated by said town meeting, or in default of such Where to be held

designation shall be appointed for each district by the judges of election thereof.

Ballot box to be provided

SEC. 3. The supervisors of the several townships, and the city council of the several cities shall cause to be provided at the expense of the said townships, towns, and cities respectively, a ballot box for each election district which may be destitute of the same, which box shall be provided with a lock and key, and shall have an opening through the lid of sufficient size to admit a single folded ballot and no more; and the said box shall be kept by the town clerk of the several townships, and by the city clerk of the several cities for the use of the judges of election in the said election districts respectively.

Notice of election to be given

SEC. 4. It shall be the duty of the township and city clerk in each election district, fifteen days at least before the holding of any general election, and ten days at least before the holding of any special election, to give public notice by posting three written or printed notices in three public places in each election district, of the time and place of holding such election, and containing a list of the officers to be elected at such election, one of which notices shall be posted up at the place of holding the election in such election district, the said notices to be in substance as follows, to wit:

Form of notice

"Notice is hereby given, that on the day of 18 , at the in the election district composed of the (township, ward or town, as the case may be,) of in the county of an election will be opened at 9 o'clock in the morning, and will continue open until 5 o'clock in the afternoon of the same day.

Dated this day of 18 .

Signed,

A. B. (Township, City or Town Clerk,")

Provided, That no failure of any clerk to give notice of any election as aforesaid shall in any manner invalidate any election.

Judges to make list of voters

SEC. 5. It shall be the duty of the judges of election in each and every election district in the State, at least fifteen days before any election, to make a list of the names of all persons who are entitled to vote in their election districts respectively, at such election, which said list shall contain the surnames of such persons in alphabetical order. Three copies of the said list so made out

as aforesaid, shall at least ten days before such election, be posted in three public places in each election district, together with a notice of the time and place when and where the said judges of election will be present for the purpose of making all necessary corrections in said list. It shall be the duty of the said judges of election, on each Wednesday next preceding such election, and, if necessary, for the next three days, from the hour of nine in the forenoon to four in the afternoon, and for two hours next preceding the opening of the polls on the day of such election, to be present at the place appointed for the holding of such election in their respective election districts, for the purpose of making all necessary corrections in said list. In making such corrections it shall be the duty of the said judges of election to insert upon the said list, the additional names of all persons properly shown to be entitled to a vote at such election, and to erase from the said list the names of all persons properly shown not to be entitled to vote at such election. It shall be the duty of the said judges of election in first making out the said list, to place upon the same the names of all persons known by said judges to be entitled to a vote at such election in their election districts respectively, and no others, and to assist in ascertaining the names of all persons entitled to vote as aforesaid. It shall be the duty of the said judges of election to consult the poll lists used at the last preceding election in their election districts respectively. In making the final corrections of the said list as aforesaid, to ascertain who are entitled to vote at such election, the said judges of election shall be governed by the rules and regulations hereafter for that purpose prescribed, and at such election no person shall vote whose name is not upon the said list at the time of opening the polls and the vote of no person shall be rejected whose name is upon the said list at the time of opening the polls. *Provided*, If any person offers to vote at such election whose name is not upon said list as aforesaid, and who is by all the judges of said election personally known to have all the qualifications of an elector in said precinct, and entitled to a vote at such election, but whose name has been accidentally omitted from the said list, then the name of such person shall be added to the said list, and the said person shall be allowed to vote, but in all such cases an entry shall be made opposite the name

List to be posted

Corrections to be made

of such person of the fact that the said name was inserted in said list after the opening of the polls. And the judges of election shall make or cause to be made a duplicate of said list, so that there shall be two register poll lists at every election.

When electors may choose judges—oath of judge

SEC. 6. If either of the judges of election of any election district shall fail to attend at the time and place appointed for making corrections of the said list, or of holding any election; or if either of said judges being present shall be a candidate at such election, or shall refuse to act as judge, then it shall be the duty of the qualified electors of the said election district present, to choose *viva voce*, one or more qualified electors of said election district to act as judge or judges of election, instead of such judge or judges of election if absent, disqualified or refusing to act; and if any clerk of election shall be thus absent, disqualified or refuse to act, the judge s of election shall appoint some qualified elector in place of such clerk. And before any judge or clerk of election shall enter upon the performance of any of the duties imposed upon him by this Act, he shall take and subscribe before some officer authorized to administer oaths, an oath or affirmation in the following form, to wit: "I, A. B., (judge or or clerk of the election, as the case may be,) do solemnly swear (or affirm as the case may be,) that I will perform the duties of (judge or clerk of election, as the case may be,) according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God," which said oath or affirmation having been taken, subscribed and certified, shall be affixed to the said list provided for in the last preceding section; *Provided*, If there shall be no person present authorized to administer oaths, then the judges of election may administer to each other and to the clerks such oath or affirmation in the same manner as above provided.

When polls to be opened and closed

SEC. 7. At all elections to be held under this Act, the polls shall be opened at nine o'clock in the forenoon, and closed at five o'clock in the afternoon, and remain so open during that time without adjournment.

Compensation

SEC. 8. At all elections to be held under this Act, the judges and clerks of election shall be entitled to receive, as a compensation for their services in such election, the sum of one dollar each per day, to be paid out of the treasury of the proper township, city or town.

Ballot box to be publicly emptied

SEC. 9. It shall be the duty of the judges of election, or one of them, immediately before proclamation is made of the opening of the polls, to open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of every thing that may be in them, and then lock them; and the key thereof shall be delivered to one of the judges, and said box shall not be re-opened until for the purpose of counting the ballots therein, at the close of the polls, and one of the judges of election shall forthwith proclaim that the polls of this election are now open.

Manner of voting

SEC. 10. Every elector shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the judges of the election, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the electors intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated to any office, than there are persons to be chosen at the election to fill such office.

Names to be on ballot

SEC. 11. The names of all persons voted for by an elector at any election shall be on one ballot.

Duty of judges receiving votes

SEC. 12. The judge to whom any ballot shall be delivered shall upon the receipt thereof, pronounce with an audible voice, the name of the person from whom the said ballot is so received, and if the name of the person be found upon the list of electors aforementioned, the said judge shall, without opening the said ballot or permitting the same to be opened or examined, (except to ascertain whether it be a single ballot,) deposit the said ballot in the ballot box, and the clerks of the election shall thereupon distinctly check the name of the said person upon the said lists.

Judges to canvass votes on closing of polls

SEC. 13. As soon as the poll of the election shall be finally closed, (of which closing, proclamation shall be made by the judges thirty minutes previously thereto,) the judges shall immediately proceed to canvass the vote given at such election, and the said canvass shall be public and continued without adjournment until completed, and the result thereof declared.

SEC. 14. The canvass shall commence by taking the ballots out of the box unopened (except so far as to as-

Canvass how conducted

certain whether each ballot be single,) and counting the same to ascertain whether the number of ballots corresponds with the number of names on the list checked as aforesaid; and if two or more separate ballots shall be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, then, if upon a comparison of the said count with the number of names of electors on the lists which have been checked as aforesaid, it shall appear that the two ballots thus folded together were cast by one elector, they shall be destroyed. If the ballots in the box shall still be found to exceed in number the number of names on the said list so checked as aforesaid, they shall be replaced in the box, and one of the judges shall publicly and without looking in the box, draw out therefrom singly, and destroy unopened, so many ballots as shall be equal to such excess. The number of ballots agreeing, or being thus made to agree with the number of names on the said list so checked as aforesaid, the said list shall be signed by the judges and attested by the clerks, and the number of names on the said list so checked as aforesaid, shall be set down in words and figures at the foot of said list, and over the signatures of the judges, and the attestation of the said clerks, in the manner hereinafter provided, in the form of the said list.

SEC. 15. After the said list has been thus signed the judges shall proceed to count and ascertain the number of votes cast for each person voted for, and the ticket shall then be distinctly read, and as soon as read and canvassed shall be strung by one of the judges upon a string, and deposited in the office of the town or city clerk, and carefully preserved until the next general election, and the clerk shall set down on a paper to be known as the returns of the election, the name of every person voted for, written at full length, the office for which such person received such votes, and the number of votes he received—the number being expressed at full length, and also in figures. The said returns shall be as nearly as circumstances will admit, in the following form viz:

Disposition of the votes

"At an election held at in the election district composed of the (township, ward, or town, as the case may be) of in the county of in the State of Minnesota, on the day of

18 , the following named persons received the number of votes set opposite their respective names, for the following described offices, to wit: Form of returns

A. B. received (the number in figures and also at full length,) votes for (specifying the office) and in like manner for each person voted for, for any office.

Certified by us,

A. B.,
C. D.,
E. F., Judges of election.

Attest: A. B.,
G. H., Clerks of election."

SEC. 16. If a ballot should be found to contain a greater number of names for any one office than the number of persons required to fill the said office, the said ballot shall be considered void, as to all the names designated to fill such office, but no further; but no ballot shall be considered void, for containing a less number of names than are authorized to be inserted thereon. When ballot to be void

SEC. 17. The list of electors provided for in this Act, shall be substantially in the following form, to wit:

"List of qualified electors in the election district composed of the (township, ward, or town, as the case may be) of , in the county of , State of Minnesota, for an election to be held in the said election district, on the day of , 18 . Form of list of electors

A. B.,
B. C.,
C. D. (the surnames in alphabetical order.)

The whole number of the above named persons who were present and voting at the above named election was: (amount written out in full, and also in figures.)

Certified by us,

A. B.,
C. D.,
E. F., Judges of election.

Attest: A. B.,
G.H., Clerks of election."

And one of the said lists, after the same shall have been used at the election for which the same was made out, shall be deposited and kept in the office of the township, city, or town clerk of the election district in which the same belongs, and shall be subject to the inspection of any person desiring the same, and the other one of

said lists which shall be transmitted to the auditor of the proper county with the abstract of the return of the election, which shall be carefully preserved in the office of the county auditor.

SEC. 18. After the canvass shall have been thus completed, the judges of election, before they shall disperse, shall inclose the said returns in a cover, seal the same, endorse thereon the following words, viz: "Election returns of the election district of in the county of ," and direct the same to the county auditor of their proper county; and the said returns shall, within five days from the day of the election, be conveyed by one of the judges, to be determined by lot, if not otherwise agreed upon, and delivered to the said county auditor at his office.

Judges to direct returns to County Auditor

Provided, That the returns of election in unorganized counties shall be made to the auditor of the county to which they may be attached for elective purposes, and said votes shall be canvassed and certificates of election issued to the person elected in the same manner that is provided in this chapter for canvassing votes and issuing certificates of election in organized counties.

SEC. 19. If any judge of an election at which he shall have served, after being deputed, shall wilfully fail or neglect to deliver such returns to the said auditor, within the time prescribed by law, safe, with the seals unbroken, he shall, for every such offense, forfeit and pay the sum of five hundred dollars for the use of the county, or be imprisoned in the county jail of the proper county not less than six months, nor more than one year.

Penalty for failure to deliver returns

SEC. 20. On or before the tenth day after the election the county auditor, taking to his assistance two justices of the peace of his county, who, together with the county auditor, shall constitute the county canvassing board, shall proceed to open the several returns which shall have been made to his office; and said board shall publicly canvass the said returns, and make abstracts thereof in the following manner, to wit:

Auditor and assistants to canvass returns

The abstracts of the votes for Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Judges and Clerk of the Supreme Court, and Judges of the District Court, and all other State officers, shall be on one sheet, and being

certified and signed by the auditor and the justices of the peace, shall be deposited in the said auditor's office, and a copy thereof, certified under the official seal of said auditor, shall be endorsed and directed to the secretary of State, and forwarded immediately to the seat of government by mail; and the said auditor shall make out another certified copy of the abstract of the votes aforesaid, directed to the Speaker of the House of Representatives, and deliver the same to a member of the Legislature, to the end that the same may be conveyed to the Speaker of the House of Representatives at the seat of government; and the said auditors shall respectively endorse on the envelope, on the outside of each duplicate, "Certificate of the votes for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General," (and any other State officer, as the case may be,) and the name of the county in which said votes are given.

Provided, That should the returns directed to the said Speaker not be received, the copy directed to the Secretary of State, shall be delivered to the said Speaker.

Duty of Speaker of House of Representatives

SEC. 21. The Speaker of the House of Representatives shall, within three days after each house shall be organized, cause the abstracts of the votes by him received to be opened and canvassed before both Houses of the Legislature, in conformity with the provisions of the second section of article five (5) of the Constitution of this State.

Abstract of votes for county officers—how made out

SEC. 22. The abstract of the canvass of votes for probate judges, sheriffs, coroners, county auditors, county treasurers, registers of deeds, county surveyors, clerks of the district court, county attorneys, court commissioners, county commissioners, and all such other officers as now are, or hereafter may be established in any of the counties or districts of this State, and of the votes upon any proposed change of county lines or county seat, shall be made on one sheet, and being certified and signed in the same manner as in case of abstracts of votes for the officers named in the first section of this Act, shall be deposited in the said auditor's office, and a copy thereof, certified as aforesaid, shall be immediately enclosed and forwarded to the Secretary of State; upon receipt thereof, the Governor shall issue a commission to the person elected to said office, which shall be transmitted to the

auditor of the proper county, and delivered to the person entitled to the same without charge; and if any proposed change of county lines shall have been adopted, the Governor shall forthwith make proclamation to that effect.

Return of votes for members of Congress—how made

SEC. 23. The abstracts of the votes for members of Congress and electors of President and Vice President of the United States, shall be made on one sheet, and being certified and signed in the same manner as in case of abstracts of votes for county officers, shall be deposited in the said county auditor's office, and a copy thereof, certified as aforesaid, shall be enclosed, directed to the Secretary of State, and endorsed on the outside of the envelope, with these words: "Abstract of votes for (naming the officers) returned to the auditor's office of (inserting the name of the county) county," and the said auditor's signature; and the said auditor shall forward the same to the Secretary of State, within eleven days after such election.

By whom canvassed

SEC. 24. Within twenty days after said election, the Governor and Secretary of State, in the presence of the Auditor of State, the Attorney General and one or more Judges of the Supreme Court, shall open the returns made to the Secretary of State, for members of Congress and for electors of President and Vice President of the United States; the Governor and Secretary of State, in the presence of the officers aforesaid, shall forthwith proceed to ascertain the number of votes given to the different persons for electors of President and Vice President of the United States, and members of Congress, and the persons having the highest number of votes for the offices named in this section shall be considered duly elected; and the Governor shall give to each person duly elected, a certificate of his election; which certificate shall be signed by the Governor, and sealed with the great seal of the State, and countersigned by the Secretary of State, and shall transmit the said certificates to each person so elected, and shall cause the election of electors to be published in the newspapers printed at the seat of government, but if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the Secretary of State in the presence of the Governor and officers aforesaid. The Governor shall transmit the proper

certificate and cause the publication to be made as aforesaid, immediately after said canvass is completed.

Meeting of electors—place where

SEC. 25. The electors who shall be chosen as aforesaid, shall, at twelve o'clock, on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this State, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

Penalty for failure to perform duty

SEC. 26. The several persons who shall be appointed to conduct the election of electors of President and Vice President of the United States, for neglect of duty or for improper conduct, shall be liable to the same penalties and forfeitures as are or may be provided by law, in like cases providing for elections in this State.

Duty of electors—fill vacancies

SEC. 27. Each elector of President and Vice President of the United States, shall before the hour of twelve o'clock, on the day next preceeding the day fixed by the law of Congress to elect a President and Vice President of the United States, give notice to the Governor that he is at the seat of government and ready at the proper time to perform the duties of an elector, and the Governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if on examination thereof, it shall be found that one or more of said electors are absent and shall fail to appear before nine o'clock in the morning of the day of election of President and Vice President as aforesaid, the electors then present shall immediately proceed to elect by ballot in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the electors.

How decided in case of tie

SEC. 28. If more than the number of persons required to fill the vacancy or vacancies as aforesaid, shall have the greatest number and an equal number of votes, then the election of those having such equal and highest number of votes, shall be determined by lot to be drawn by the Governor, in the presence of the electors attending; otherwise he or they to the number required having the greatest number of votes shall be considered elected to fill such vacancy or vacancies.

SEC. 29. Immediately after such choice is made in the manner aforesaid, the name or names of the persons so chosen, shall forthwith be certified to the Governor by the electors making such choice, and the Governor shall

Persons chosen to fill vacancies

cause immediate notice to be given to each and every of the electors chosen to fill such vacancy or vacancies, as aforesaid, and the said person or persons chosen shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors aforesaid, by the Constitution and laws of the United States and of this State.

Per diem of electors

SEC. 30. Each and every elector who shall attend as an elector at the seat of government, as aforesaid, shall be entitled to receive three dollars for each and every day's attendance, and three dollars for every twenty miles travel, of the estimated distance by the most usual route from his place of residence to the seat of government, and the like sum for returning, which sum shall be allowed by the auditor on the certificate of the Governor, and paid by the treasurer out of any money in the treasury not otherwise appropriated.

Who declared elected

SEC. 31. At the close of the canvassing as provided in section twenty, the board of canvassers shall declare the person having the highest number of votes for probate judge, sheriff, coroner, county commissioner, county treasurer, register of deeds, county surveyor, clerk of the district court, county attorney, court commissioner, and any other county officers duly elected, and in case said county contains a senatorial or representative district, then the person or persons having the highest number of votes for senators or members of the legislature duly elected, subject to an appeal to the district court of the proper county, in case of the contested election of probate judge, sheriff, coroner, county auditor, county commissioner, county treasurer, register of deeds, county surveyor, clerk of the district court, county auditor, court commissioner, and any other county officer, and to that branch of the legislature to which any person may be returned when an election is contested; *Provided*, notice of such appeal, to the said court, be entered with the clerk thereof, within twenty days from the day of election.

Auditor to give certificates of election

SEC. 32. The county auditor shall make out for the probate judge, sheriff, coroner, county auditor, county commissioners, county treasurer, county surveyor, register of deeds, clerk of the district court, county attorney, court commissioner, and any other county officer, and also to

each of the senators and representatives to the legislature, provided such county constitutes a senatorial district, who have the highest number of votes given, a certificate of his election, and shall deliver the same to the person entitled thereto, upon demand without fee; and he shall also make out for any candidate or elector of his county, an abstract of votes as aforesaid, upon being paid one dollar therefor.

Where two or more counties are in same district

SEC. 33. The county auditor of each of the several counties of this State which does not constitute or contain a senatorial district, shall make out from the returns in his office, an abstract of votes for members of the state senate and house of representatives, which he shall seal and direct to the county auditor of the senior county in his senatorial district; *Provided*, That if there shall be two or more counties in said district, of the same age, then such returns shall be directed to the auditor of the county polling the greatest number of votes at the last preceding general election, except in the third senatorial district, in which district such abstract shall be directed to the auditor of Morrison county, and said auditor shall endorse on the outside of the cover thereof the following words: "Abstract of votes for members of the state senate and house of representatives of the county of ——," and sign his name thereto, and forward such abstract to the proper auditor, within ten day after the day of the election.

Canvass where two or more counties in same district

SEC. 34. When two or more counties are united in one senatorial district, the auditor of the senior county shall, on the tweny-fifth day after the election, with the county auditors of the junior counties, who may choose to attend at the office of the auditor of the senior county, call to his assistance two justices of the peace, a district or probate judge, who shall then and there open the returns of the votes given in the several counties composing such senatorial district, and said officers shall immediately make out a certificate of the person or persons having the highest number of votes in such senatorial district for a member or members of the Legislature, which certificate shall be delivered to the person entitled to it, on his application, verbal or written, to the auditor of the senior county at his office; *Provided*, That the returns for the third senatorial district shall be made to

the auditor of Morrison county, within thirty days after the election, and the returns of the fourth senatorial district shall be made to the auditor of Anoka county within thirty days after the day of election.

SEC. 35. The following shall be the form of the abstract of votes provided for in this act to be used by all county canvassing boards; *Provided*, That no election shall be set aside for want of form in the abstract, provided they contain the substance:

Form of abstract

ABSTRACT.

NAMES OF PERSONS VOTED FOR, AND FOR WHAT OFFICE, CONTAINING THE NUMBER OF VOTES GIVEN FOR EACH CANDIDATE.

PRESIDENTIAL ELECTORS,		S	No. Votes.
		T	No. Votes.
		U	No. Votes.
		V	No. Votes.
GOVERNOR,		A	No. Votes.
		B	No. Votes.
LIEUTENANT GOVERNOR,		C	No. Votes.
		D	No. Votes.
SECRETARY OF STATE,		E	No. Votes.
		F	No. Votes.
AUDITOR OF STATE,		G	No. Votes.
		H	No. Votes.
TREASURER OF STATE,		I	No. Votes.
		J	No. Votes.
ATTORNEY GENERAL,		K	No. Votes.
		L	No. Votes.
JUDGES SUPREME COURT,		M	No. Votes.
		N	No. Votes.
CLERK SUPREME COURT,		O	No. Votes.
		P	No. Votes.
MEMBERS OF CONGRESS,		Q	No. Votes.
		R	No. Votes.
MEMBERS OF THE STATE LEISLATURE.	Representatives.	S	No. Votes.
		T	No. Votes.
	Senators.	U	No. Votes.
		V	No. Votes.
		W	No. Votes.
JUDGES DISTRICT COURT,		X	No. Votes.
		Y	No. Votes.
PROBATE JUDGE,		Z	No. Votes.
		A	No. Votes.
SHERIFF,		B	No. Votes.
		C	No. Votes.
CORONER,		D	No. Votes.
		E	No. Votes.
COUNTY AUDITOR,		F	No. Votes.
		G	No. Votes.
COUNTY COMMISSIONER,		H	No. Votes.
		I	No. Notes.
COUNTY TREASURER		J	No. Votes.
		K	No. Votes.
REGISTER OF DEEDS,		L	No. Votes.
		M	No. Votes.
COUNTY SURVEYOR,		N	No. Votes.
		O	No. Votes.
COUNTY ATTORNEY,		P	No. Votes.

We do hereby certify that A, B. had votes for Governor; C. D. had votes for Governor; E. F. had votes for Lieutenant Governor, &c., (writing the vote at length and in figures.)

ATTEST:

A. B., Auditor.

C. D., } Justices of the Peace.
E. F., }

SEC. 36. At the annual election next preceding the expiration of the term of the member or members of Congress from this State, the electors of the State, or of the several congressional districts of the State, shall vote for a person or persons to represent this State in Congress

Election of members of Congress

for the term of two years from the fourth day of March then next ensuing.

SEC. 37. Whenever there shall be no election for the requisite number of the members of Congress, or of members of the State Senate or House of Representatives, or of any State officer, by reason of any two or more persons having an equal and the highest number of votes, or whenever any vacancy shall have occurred or shall exist in any of the said offices, which said vacancy is not otherwise provided for, then, and in that case it shall be the duty of the Governor within ten days after the State canvass shall have been made, or after he shall have been informed of the existence of such vacancy, to issue a proclamation directing that a special election be held in the proper election districts of the State, at a time to be specified in the proclamation, not more than thirty days from the date thereof, to fill such vacancy or vacancies. And it shall thereupon be the duty of the clerks of the election of the proper election districts to call the said special election in the manner provided by law, and the said special election shall be held and conducted and the returns thereof made and canvassed in the same manner as general elections are held and conducted, and the returns thereof made and canvassed.

When to call special election

Provided, If there be no session of the Legislature or of Congress between the time of the happening of such vacancy or vacancies in the offices of members of Congress, or of the State Senate or House of Representatives, and the then next annual election, then it shall not be necessary to order a special election to fill such vacancy or vacancies, but the same shall be filled at the said annual election.

SEC. 38. In all elections to fill any vacancy under the preceding section of this Act, the auditor shall, within fifteen days after such election transmit an abstract of the votes given in such counties to the office of the Secretary of State, and take his receipt therefor, under the penalty of five hundred dollars, to be recovered before any court having competent jurisdiction thereof in a civil action in the name of the county; and it shall be the duty of the county treasurer for the time being, to sue for and recover the penalty aforesaid, for the use of the county.

Duty of Auditor

SEC. 39. Whenever it shall so happen that the audi-

tor shall die, be absent, or from any causalty, be prevented from opening the returns of votes at any election, it shall be the special duty of the probate judge of the county in which such election was held, to attend immediately at the auditor's office, taking to his assistance two justices of the peace of the proper county, and he shall then proceed to open all the returns of elections for such county, which shall have been made to the auditor's office, and perform the same duties that are required of the auditor in such cases, under the provisions of this Act. Duty of Probate Judge in certain cases

SEC. 40. If for any county office a number of persons greater than are directed to be elected to such office, receive an equal and the highest number of votes, the auditor and justices, or judge and justices aforesaid, shall determine, publicly, by lot, which of the persons shall be declared elected. Tie vote—how decided

SEC. 41. There shall be allowed out of the county treasury of each county, to the person carrying the returns from the place of the election to the auditor of the county, the sum of ten cents per mile for going to and returning from the office of the auditor; this provision to extend to the unorganized counties, and to be paid out of the treasury of the county to which they are attached. Fees for carrying returns to Auditor

SEC. 42. If a vacancy shall occur in the Senate or House of Representatives of this State, from any cause —and if the county or counties comprising the district in which such vacancy has happened, shall have been divided after the election of the member whose seat is vacant, and before the election to supply the vacancy, such election shall be ordered in every county in which any part of the original county or district may be situated; but no person shall be permitted to vote at any such election who does not at the time reside within the limits of the original county or district in which such vacancy may have occurred. *Provided*, That nothing herein contained shall be so construed as to permit any person to vote so residing within the same limits, who has not the other qualifications of an elector. Vacancy in legislature—how filled

SEC. 43. No election returns shall be refused by any auditor for the reason that the same may be returned or delivered to him in any other than the manner directed in this Act; nor shall the canvassing board of the county refuse to include any returns in their estimate of votes No returns to be refused on account of informality

for any informality in holding any election, or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board and included in the abstracts provided for in this Act.

Penalty for neglect of duty

SEC. 44 If any judge or clerk of election, or any other officer or person required by this Act to do or perform any act or thing whatsoever, shall wilfully fail or refuse to do, and perform any such act or thing or shall wilfully do or perform any such act or thing falsely, or improperly in any way or manner, on conviction thereof, he shall be imprisoned in the State prison for a term not less than six months nor more than one year.

Term of office—when to commence

SEC. 45. The regular term of office of all county officers, and court commissioners, when elected for a full term, shall commence on the first day of January next succeeding their election, except as otherwise provided by law.

Term of office when elected to fill vacancy

SEC. 46. Any of the state, county, or district officers that may be elected or appointed to fill vacancies, may qualify and enter upon the duties of their office immediately thereafter; and when elected, they may hold the same during the unexpired term for which they were elected, and until their successors are elected and qualified; but if appointed, they shall hold the same until the next general election, and until their successors are elected and qualified.

No civil process to be served

SEC. 47. During the day on which any general, special, town, or charter election shall be held, no civil process shall be served upon any elector entitled to vote at such election.

When to be deemed elected

SEC. 48. In all elections for the choice of any officers, unless it is otherwise expressly provided, the person having the highest number of votes for any office, shall be deemed to have been elected to that office.

Contested election—how conducted

SEC. 49. If any candidate or elector of the proper county, or senatorial, or judicial, or election district chooses to contest the validity of an election, or the right of any person declared duly elected to his seat in the Senate or House of Representatives in this State, such person shall give notice thereof, in writing, to the person whose election he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty days after the votes have been canvassed, expressing the points on which the same will be

contested, and the names of two justices of the peace who will officiate at the taking of the depositions, and when and where they will attend to take the same; and such notice shall be served at least ten days before the day pointed out therein for the taking of the depositions. *Provided*, That the time fixed upon for taking such depositions shall not exceed forty-five days from the day of election.

SEC. 50. The said justices or either of them shall have power, and they are hereby authorized and required to issue subpœnas to all persons whose testimony may be required by either of the parties; and the said two justices when met, shall take under oath, all testimony relative to such contested election, and certify the same under seal, to the presiding officer of that branch of the Legislature where the person whose seat is contested may be returned to serve at its next session. Duty of Justices

SEC. 51. No person shall contest the election of any Senator or Representative to the Legislature of this State, unless he is an elector of that county or district from which the person is returned to serve. No testimony shall be received by the justices on the part of the person contesting the election which does not relate to the point specified in the notice, a copy of which notice shall be delivered to the said justices, and by them transmitted to the presiding officer of that branch of the Legislature where the contest is to be decided, with the other documents; *Provided*, That a party whose election is contested may give to the contestant like notice as provided in section forty-nine of this Act, and thereupon the introduction of testimony shall be likewise confined to the specifications contained in said notice, which said notice shall be delivered to the justices and transmitted to the presiding officer of the proper branch of the Legislature in the same manner as provided for the notice of the contestant. None but electors to contest

SEC. 52. The method to be pursued in contesting the election of any person declared duly elected probate judge, sheriff, coroner, county auditor, county commissioner, county treasurer, register of deeds, county surveyor, or clerk of the district court, or county attorney, or any other county officer, shall be at the instance of a candidate or elector of the proper county, and shall in every respect be similar to the method directed as aforesaid to Manner of contesting election of county officers

be pursued in contesting the election of Senators and Representatives to the Legislature save only that the testimony taken as aforesaid, and all matters relative to such contest, shall be sent to the district court of the proper county, on or before the second day of the term next ensuing the forty-five days allowed in which to take depositions by the preceding sections, and it shall be the duty of the judge of the said court in case no general term of said court shall occur within ninety days after the votes shall have been canvassed, to appoint a spectal term of said court, and the said district court at their said first general or special term, after forty-five days shall have expired, shall hear and determine the contest. When the judgment or decision of the district court shall be removed to the Supreme Court, the party removing any such judgment or decision by writ of error or appeal, shall file in the district court a bond to the opposite party in such sum, not less than five hundred dollars, and with such sureties as shall be prescribed by the judge who tries the case, conditioned for the payment of all costs incurred by the respondent, in case the appellant shall fail in his appeal.

Manner of contesting election of State and Judicial officers

SEC. 53. Any candidate or elector, being desirous of contesting the election of any person declared elected Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Judges of the Supreme Court, Clerk of the Supreme Court, Judge of the District Court, or other State officer, shall, between the sixth and tenth days after the commencement of the first annual session of the Legislature, after the day of election, file a notice of such intention with the Secretary of the Senate of this State, specifying the particular points on which he means to rely; *Provided*, That no person shall contest the election of district judge unless he be an elector of the proper judicial district. That upon any such notice being filed as aforesaid, the Senate shall, by resolution, determine on what day or days they will meet in their chamber, in order to hear, and determine any such contest; and thereupon a certified copy of the notice filed by the contestor shall be served upon the officer whose election is sought to be contested, or by leaving a copy thereof at his last usual place of residence, by such person as shall by resolution of said Senate be appointed, with a notice when he is re-

quired to attend in the chamber of the Senate to answer the contest.

Oral or written testimony may be introduced

SEC. 54. On the trial of any contested election for any of the offices in the forty-ninth section of this Act named, the parties to such contest may introduce either written or oral testimony, but no depositions shall be read on such trial unless the opposite party shall have had reasonable notice of the time and place of taking the same.

SEC. 55. In conducting any contested election for the officers in the forty-ninth section of this Act named, if the contesting is in the House of Representatives, the following rules shall be observed, to wit:—

Rules to be observed in such contest

First.—On the day and at the hour appointed for that purpose, the house, with the proper officers, shall assemble at their usual place of meeting.

Second—The Speaker of the House of shall preside, but when he is contestor, a Speaker *pro tem.* shall be elected.

Third—The parties to the contest shall then be called by the clerk, and if they answer, their appearance shall be recorded.

Fourth—The contestor shall first introduce his testimony, and after the testimony is gone through on both sides, the contestor may, by himself or his counsel, open the contest, and the officer elect may then proceed, by himself or counsel, to make his defence, and the contestor be heard in reply.

Fifth—After the arguments are thus gone through by the parties, any member of the House shall be at liberty to offer his reasons for the vote he intends to give.

Sixth—The clerk shall keep a regular journal of the proceedings.

Seventh—The manner of taking the decision shall be by an alphabetical call of the members, and a majority of all the votes given shall decide, any party not being permitted to vote either upon the final decision or upon any preliminary question that has reference thereto. If the contesting is in the Senate, then that the Senate shall proceed in the same manner as provided for in the House of Representatives to hear and determine such contest.

SEC. 56. In any county in this State in which there shall have been or shall be a vote for the removing of the county seat, or changing the county lines of said

Contest in relation to removing county seats

county, or upon any other subject which may by law be submitted to the vote of the people of said county any elector of the proper county may contest the validity of such election, as to the right of the point declared selected as the county seat, or as to any county line or lines declared established by said vote, or as to the result of any vote upon any other subject submitted as aforesaid. Such elector shall give notice in writing of such contest, to the county commissioners, or a majority of them, of the proper county in which said vote has been had, by serving a copy of said notice personally upon said commissioners, or leaving a copy thereof at their place of residence within thirty days after the result of said vote shall be declared or proclaimed, said notice shall express the points on which such election will be contested and a copy thereof shall be filed with the clerk of the district court of the proper county within ten days after the service thereof upon the county commissioners as aforesaid; and the district court at their first general or special term shall here and determine such contest upon the oral and and written proofs of the parties as in civil actions.

Such commissioners, or upon their failure, any elector of the proper county, may with or without answer, appear and defend, in such contest and introduce evidence as in other actions.

And it is further provided that this section shall apply to all actions commenced, or to be commenced, provided that the plaintiff in any action commenced and now pending, shall within ten days after this Act shall take effect, cause a copy of the notice filed in such action to be served upon the commissioners of said county.

Secretary of State to provide blanks

Sec. 57. It shall be the duty of the Secretary of State to provide uniform blanks for lists of electors, and for election returns, for the use of the several election districts in the State, also a copy of the law prescribing the qualifications of electors, and so much of this law as relates to the duty of judges and clerks of election, the manner of conducting elections, and the penalties imposed for offences under this Act, and trasmit the same to the auditor of each county, at least thirty days before any election, and the auditor at least ten days before any election, shall deliver to the clerk of each town and city in his county in person, or transmit to him by mail one copy of each of said blanks, and one copy of the said laws for each election district in his county.

Fees of officers

SEC. 58. Every auditor, probate judge and justice of the peace, shall receive for services performed under this act, the following fees, to wit: For making out abstracts, for every hundred words, ten cents; for each certificate with seal attached to abstract, fifty cents; which fees shall be allowed by the county auditor on the certificate of the auditor or judge as the case may be, and paid by the county treasurer.

Election districts when established

SEC. 59. Whenever any number of voters not less than ten, residing in any county not divided into towns, and not within ten miles of any established place of voting in any election district, shall petition the Governor to establish a new district, it shall be the duty of the Governor, and he is hereby authorized to lay out and establish new election districts in such county, at such place or places as the petitioners may require.

To publish list of election districts

SEC. 60. The Governor shall at least six weeks before any general and three weeks before any special election, publish in the newspaper in which the laws of the previous session were published, a list of the election districts by him so established, and the place where the elections are to be held.

SEC. 61. All elections held in such districts shall be conducted and returns made as herein provided.

Rules for determining who are qualified voters

SEC. 62. The judges of election in determining the residence of any person for the purpose of ascertaining who are qualified electors, shall be governed by the following rules, so far as they may be applicable:

First—That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which whenever he is absent, he has the intention of returning.

Second—A person shall not be considered to have lost his residence who shall leave his home to go into another state, or county in this State, for temporary purposes merely, with the intention of returning.

Third—A person shall not be considered to have gained a residence in any county of this State into which he shall come for temporary purposes merely, without the intention of making such county his home.

Fourth—If a person remove to another state with an intention to make it his residence, he shall be considered to have lost his residence in this State.

Rules for determining who are qualified voters

Fifth—If a person remove to another state with an intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this State, notwithstanding he may entertain an intention to return at some future period.

Sixth—The place where a man's family resides, shall be considered and held to be his residence; but, if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Seventh—If a man has a family fixed in one place, and he does business in another, the former shall be considered his place of residence; but any man having a family and who has taken up his abode with the intention of remaining, and whose family refuses to reside with him, shall be regarded as a citizen and voter.

Eighth—The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of the removal without the intention.

Ninth—If a person shall go into another state and while there exercise the right of a citizen by voting, he shall be considered to have lost his residence in this State.

To vote in his own district

SEC. 63. No elector shall vote except in the election district in which he actually resides.

Penalty for voting in other district

SEC. 64. If any person shall wilfully vote in any election district in which he does not actually reside, he shall, on conviction thereof, be imprisoned in the county jail of the proper county for not less than one month, nor more than six months.

Penalty for voting more than once

SEC. 65. Any person who shall vote more than once at the same election, shall, on conviction thereof, be imprisoned in the state prison, and kept at hard labor, for not less than six months, nor more than one year.

Penalty for non-resident voting

SEC. 66. Any resident of another state who shall vote in this State, shall, on conviction thereof, be imprisoned in the state prison, and kept at hard labor for not less than six months, nor more than one year.

Penalty for voting when unqualified

SEC. 67. Any person who with an unlawful intent shall vote, who shall not have been a resident of this State for four months immediately preceding the election, or who at the time of election is not twenty-one years of age, or who is not a citizen of the United States, or has not declared his intention to become a citizen, conform-

ably to the laws of the United States upon the subject of naturalization, or who is disqualified by law by reason of his conviction for treason, or any felony, unless restored to civil rights, or for any other reason, shall, on conviction thereof, be imprisoned in the state prison, for not less than one month, and not more than one year.

Penalty for inducing disqualified persons to vote

SEC. 68. Any person who shall procure, aid, assist, council or advise another to give his vote, knowing that such person has not been a resident of this State for four months immediately preceding the election, or that at the time of the election he is not twenty-one years of age, or that he is not a citizen of the United States, nor declared his intention to become such, or that he is not duly qualified from other disability to vote at the place where, and the time when to vote is to be given, shall, on such conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, and be imprisoned in the county jail of the proper county, not less than one month, nor more than six months.

Penalty for inducing persons to come into county to vote

SEC. 69. Any person who shall procure, aid, assist, counsel or advise another to go or come into any county or election district for the purpose of illegally giving his vote in any such county, knowing that the person is not duly qualified to vote in such county, or election district, shall, on conviction thereof, be imprisoned in the state prison, and kept at hard labor, not less than six months, nor more than one year.

Penalty for bribery

SEC. 70. Any person who shall, by bribery, attempt to influence any elector of this State in giving his vote or ballot, or who shall use any threat to procure any person to vote contrary to the inclination of such elector, or to deter him from giving his vote or ballot, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars and be imprisoned in the county jail of the proper county not less than one month nor more than six months.

Penalty for misinforming elector as to names on his ticket

SEC. 71. Any person who shall furnish an elector who cannot read the language in which such ticket is printed or written, with a ticket informing him that it contains a name or names different from those which are written or printed thereon, with an intent to deceive and induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change a ballot of any

elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended, shall, on conviction thereof be imprisoned in the state prison, and kept at hard labor, not less than six months, nor more than one year.

Proceeding when vote is challenged

SEC. 72. If any person offering his name to be put on the list of electors is challenged as unqualified by one of the judges of election, or by an elector, one of the judges shall tender to him the following oath or affirmation: You do swear (or affirm, as the case may be,) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, and qualifications as an elector at this election.

Questions if challenged on ground of not being a citizen

First. If the person be challenged as unqualified, on the ground that he is not a citizen, nor has declared his intention to become such, the judges, or one of them, shall put the following questions:

1st. Are you a citizen of the United States?

2d. Are you a native or naturalized citizen?

3d. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States upon the subject of naturalization?

If the person so offering his name claims to be a naturalized citizen of the United States, he shall, before his name shall be inserted on the list, produce for the inspection of the judges of the election, a certificate of his naturalization, and also state, under oath or affirmation, that he is the identical person named therein. *Provided*, That the production of such certificate shall be dispensed with if the person so offering his name shall state, under oath or affirmation, when and where he was naturalized, that he has had a certificate of his naturalization, and that the same is lost, destroyed, or beyond his power to produce to the judges of election. *Provided further*, That if he shall state under oath or affirmation, that by reason of the naturalization of his parents, or one of them, or that being born of American parents in foreign parts he has become or is a citizen of the United States, and when and where his parent or parents were naturalized, the certificate of said naturalization need not be produced.

Questions if challenged as not having resided four months in State

Second. If the person be challenged as unqualified on the ground that he has not resided in this State for four months immediately preceding the election the judges, or one of them, shall put the following questions:

1st. Have you resided in this State for four months immediately preceding this election?

2d. Have you been absent from this State within the four months immediately preceding the election? If yes, then,

3d. When you left did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4th. Did you, while absent, regard this State as your home?

5th. Did you while absent vote in any other State?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the election district where he so offers his name, the judges, or one of them shall put the following questions: When challenged as a non-resident

1st. When did you last come into this election district?

2nd. When you came into this district did you come for a temporary purpose merely, or for the purpose of making it your home?

3d. Did you come into this district for the purpose of voting here?

4th. Are you an actual resident of this district?

Fourth. If the person be challenged on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question: When not of age

Are you twenty-one years of age, to the best of your knowledge and belief?

The judges of election, or one of them, shall put all such other questions to the person challenged, under the respective heads aforesaid as may be necessary to test his qualifications as an elector at that election.

SEC. 73. If the person challenged as aforesaid shall refuse to answer fully any question which shall be put to him as aforesaid, the judges shall refuse to insert his name on the poll list, nor shall he be allowed to vote. When not allowed to vote

SEC. 74. If the challenge be not withdrawn after the person so offering his name shall have answered the questions put to him as aforesaid, one of the judges of the election shall tender him the following oath:

You do swear (or affirm, as the case may be) that you are a citizen of the United States, of the age of twenty-one years, or have declared your intention to become such citizen conformably to the laws of the United States Oath

on the subject of naturalization, that you have been an inhabitant of this State for four months immediately preceding this election, and an actual resident of this election district for the ten days immediately preceding this election.

When vote not to be received

SEC. 75. If any person shall refuse to take the oath or affirmation so tendered, his name shall not be inserted on the poll list, nor shall he be allowed to vote.

Duty of judges

SEC. 76. It shall be the duty of each judge of election to challenge every person offering to have his name inserted on the poll list, or to vote at any election, whom he shall know or suspect not to be duly qualified as an elector.

Penalty for fraudulently putting ballot in the box

SEC. 77. Any person who shall, after proclamation made of the opening of the polls and at any time before the vote has been fully canvassed, fraudulently put a ballot or ticket into the box, shall, on conviction thereof, be imprisoned in the state prison, and kept at hard labor, not less than six months, nor more than one year.

False swearing—how punished

SEC. 78. If any person challenged as unqualified to vote, shall be guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this Act, such person shall be deemed to have committed wilfull and corrupt perjury, and upon conviction thereof, shall suffer the punishment attached by the laws of this State to the crime of perjury.

Who to be deemed incompetent as an elector

SEC. 79. Every person who shall be convicted and sentenced to be punished by imprisonment in State prison for any offense specified in this Act, or who shall be convicted and sentenced for bribery under this Act, shall be deemed forever after incompetent to be an elector, or to hold any office of honor, trust or profit within this State, unless such convict shall receive from the Governor of this State a general pardon under his hand and seal of the State, in which case said convict shall be restored to all his civil rights and privileges.

Prosecutions in District Court

SEC. 80. All prosecutions under this Act shall be by indictment before the district court in the county where the offense was committed, and all penalties and fines shall be collected by prosecution on complaint or indictment as the case may be before a justice of the peace or district court of the proper county.

Fines—to whom paid

SEC. 81. All fines under this Act shall be paid into the county treasury, where the offense was committed, for the use of the common schools of such city.

Act to apply to all future elections

SEC. 82. The provisions of this Act shall have reference and be applied to all elections hereafter to be held or vote hereafter to be taken for all or any state, district, county, town, city, or township officers; and for electors of President and Vice President of the United States; amendments to the constitution, laws, changing county lines, removing county seats, or on any subject which may by law be submitted to a vote of the people.

Provided, That the registration of the names of the electors previously to the time of voting at the town meeting of any organized township shall not be required; but the said town meeting and the manner of conducting the same shall be as provided in general act for the organization of towns.

To be given to the grand jury

SEC. 83. This Act shall be given specially in charge to the grand jury at each term of the district court, by the presiding judge thereof.

Repeal of former laws

SEC. 84. All of chapter six, of the Public Statutes of Minnesota, including all the laws published in said statutes from page one hundred and thirty-eight to one hundred and fifty-one inclusive; and all of chapter eighteen of the General Laws of the State of Minnesota, of the year one thousand eight hundred and sixty; and all of chapter forty-six, of the Laws of one thousand eight hundred and sixty; and all other acts or parts of acts inconsistent with this Act, are hereby repealed.

And wherein the provisions of this Act contravene the provisions of an act entitled "An act to reduce the law incorporating the city of Saint Paul, in the county of Ramsey, and State of Minnesota," and the several acts amendatory thereof into one act, and to amend the same, approved March twentieth, eighteen hundred and fifty-eight, such provisions of said act are hereby repealed, and the provisions of this Act shall be in full force in said city.

Provided, That all prosecutions, fines, recognizances, liabilities, forfeitures, penalties, rights, indictments, and causes of prosecutions, shall remain and be continued, preserved and prosecuted in the same manner and to the same extent as if said acts had not been repealed.

SEC. 85. This Act shall take effect and be in force from and after the passage thereof.

Approved March 12th, A. D. 1861.

CHAPTER XVI.

An Act in Relation to Entering and Recording the Satisfaction of Mortgages.

SECTION 1. Duty of Register of Deeds.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Duty of Register of Deeds

SECTION 1. That whenever any mortgage or conditional conveyance shall be discharged or released by an entry on the margin of the record thereof, it shall be the duty of the register of deeds to make an entry of such release or discharge in his reception book, as of the reception of an instrument of release or discharge, which entry shall refer definitely to the mortgage or conditional conveyance so released or discharged.

SEC. 2. This Act shall take effect and be in force from and after the first day of May next.

Approved January 24th, A. D. 1861.

CHAPTER XVII.

An Act Providing for the Release and Discharge of Attachments upon Real Estate.

SECTION 1. Manner in which real estate may be discharged of record.
2. Plaintiff may at any time before final discharge of attachment, release any portion of real estate encumbered—manner of.
3. Duty of register of deeds.
4. Real estate heretofore attached may be released in same manner.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever any real estate shall have been attached by virtue of any warrant of attachment in any

action pending in any court of this State, such real estate may be discharged and released of record from such attachment in the following manner, to wit:

Manner in which real estate may be discharged of record

1st. By filing in the office of the register of deeds of the county wherein such real estate is situated, a certified copy of the order discharging or vacating said attachment.

2d. By filing with such register of deeds, satisfaction of judgment rendered in such action.

3d. By judgment being rendered in the action in favor of the defendant against whom the attachment is issued, upon filing in the office of said register of deeds a transcript of such judgment.

4th. By filing in the office of such register of deeds a satisfaction and discharge of such attachment executed by the plaintiff in said action in the same manner as is required by law for the execution of conveyances of real estate.

SEC. 2. The plaintiff in such action may at any time before the final discharge of such attachment release and discharge from such attachment, any part or portion of such real estate incumbered by said attachment, by executing in the same manner as conveyances of real estate are required by law to be executed, a release and discharge of such parts or portions of said real estate so designated to be discharged and released, and particularly describing the same, and filing such release in the office of the register of deeds of the county wherein the lands are situated; and such release or discharge shall in nowise affect the lien and incumbrance of said warrant of attachment upon the remainder of the real estate or property covered by said attachment and not included in such release.

Manner of releasing real estate encumbered

SEC. 3. It shall be the duty of the register of deeds to enter such discharge, release or satisfaction in the same manner and in the same book provided for the filing and entry of warrants of attachments, except that the names of the plaintiffs shall be alphabetically arranged in said index, and he shall receive the same fees as are allowed him for the filing and entry of attachments in his office.

Duty of Register of Deeds

SEC. 4. All real estate heretofore attached by virtue of any warrant of attachment may be released and discharged in the same manner as provided in this Act; *Provided*, That in all cases wherein such attachment

Manner of releasing real estate heretofore attached

shall have been recorded at length, then that such release or discharge shall in like manner be recorded at length in the book of mortgages, and shall make an entry of the same in the same manner as is required for the entry of satisfaction and discharge of mortgages upon real estate, and the said register shall receive for such entry and recording, the same fees as are by law allowed him for the entry and recording of satisfaction of mortgages upon real estate, and no other fee or reward whatever.

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved February 15th, A. D. 1861.

CHAPTER XVIII.

An Act to Amend An Act for a Homestead Exemption, Passed August 12, 1858.

SECTION 1. One sewing machine exempt from execution.
2. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

What to be exempt from execution

SECTION 1. That section eight of said act, being section ninety-nine of chapter sixty-one of the public statutes, be amended by adding the following clause to the enumeration of household articles exempted from execution: "*Ninth*—One sewing machine."

SEC. 2. This Act shall take effect and be in force from and after its publication.

Approved February 25th, A. D. 1861.

CHAPTER XIX.

An Act Providing for Notice of Lis Pendens.

SECTION 1. Plaintiff may file notice of pendency of the action—notice what to contain—manner of recording.
2. Plaintiff may serve upon the defendant at the time of the service of summons, written notice setting forth the object of the action.
3. Repeal of former acts.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. In actions affecting the title to, lien upon, or interest in real property, the plaintiff, at the time of the commencement of the action as now provided by statute, or at any time afterwards, may file for record in the office of the register of deeds of each county, in which the real property so affected, or some part thereof is situated, a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in the county affected thereby; and when the plaintiff amends his complaint by altering the description of the premises affected thereby, or so as to extend his claim against the premises, he must file a new notice. Plaintiff may file notice—what to contain—manner of recording

And the register of deeds of the several counties of this State are hereby authorized to record all such notices relating to real estate in their respective counties, in the same book and in the same manner as mortgages are now recorded within their respective offices. From the time of filing such notice, and from such time only, shall the pendency of the action be notice to purchasers or incumbrancers of the rights and equities of the plaintiff to the real property in said notice described.

SEC. 2. In the actions mentioned in the next preceding section, and in all actions for the foreclosure of a mortgage, or other lien upon real estate, in the case of a defendant against whom no personal claim is made, the plaintiff may serve upon such defendant at the time of the service of the summons on him, a written notice, subscribed by the plaintiff or his attorney, setting forth

Plaintiff may serve written notice setting forth the object of the action

the general object of the action, a description of the property affected by it, and that no personal claim is made against such defendant, in which case no copy of the complaint need be served on such defendant, unless within the time for answering the complaint, he shall in writing demand the same, and in which case the time for answering the complaint shall not be extended beyond the period of twenty days after a personal service, or forty days after a service by mail of the summons on such defendant, except by stipulation of the parties, or by order of the court for good cause shown by affidavit. And that in all cases, when under the statute it would now be necessary that an order for the service of a summons by publication upon such defendant, should contain a direction that a copy of the summons and complaint be deposited in the post office, directed to such defendant at his place of residence, the judge or clerk making such order may in his discretion in such order, direct instead of a copy of the complaint, that a copy of such notice, with a copy of the summons be so deposited and directed, and the same being so deposited and directed, shall have a like effect as though a copy of the complaint and summons were so deposited and directed.

If such defendant, on whom such notice is so served, shall unreasonably defend the action, he shall pay full costs to the plaintiff.

Repeal of former acts

SEC. 3. An act entitled "An act providing for notice of *lis pendens*," approved March fifteenth, one thousand eight hundred and sixty, be and the same is hereby repealed, saving and reserving all acts done, and all rights which have accrued under any of the provisions of the act aforesaid, hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first day of April, one thousand eight hundred and sixty-one.

Approved March 12th, A. D. 1861.

CHAPTER XX.

An Act to Amend an Act to Regulate the Foreclosure of Real Estate, Approved March 10th, A. D. 1860.

SECTION 1. Amendment to section 3 of the act approved March 10th, 1860—waive right of redemption.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section three of an act entitled an act to regulate the foreclosure of real estate, approved March tenth, one thousand eight hundred and sixty, be and the same is hereby so amended as to read as follows:

Any person may in writing, executed and recorded in the same manner as mortgages are now executed and recorded, waive (with the exception of one year's time) his right of redemption, as allowed by this Act, or any portion of said time of redemption. Any waiver of the right of redemption or any part thereof may be included in the instrument by which the mortgage is created.

Waive right of redemption

SEC. 2. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXI.

An Act to provide for Appeals to the Supreme Court in certain cases.

SECTION 1. Parties deeming themselves aggrieved may appeal, whether the order does or does not contain leave to amend or answer.
2. Judge to make order for judgment on pleadings when applied for.
3. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That whenever any district court or judge

Parties deeming themselves aggrieved may appeal, whether the order does or does not contain leave to amend or answer

thereof shall have made any order upon a demurrer to any pleading in an action pending in such court, any party deeming himself aggrieved by such order, may appeal therefrom to the supreme court, whether such order does or does not contain leave to amend or answer the pleading demurred to. *Provided*, That whenever an appeal from such order shall have been taken to and decided by the supreme court, no appeal from the final judgement of the district court rendered in such action, in obedience and pursuant to the decision of the supreme court thereon shall be allowed, nor shall any writ of error be allowed upon such judgement; but this proviso shall not be so construed as to forbid or prevent an appeal from, or writ of error upon, the final judgement in such action, in case the pleadings therein or any of them shall be amended or changed subsequent to the decisions of the supreme court upon the appeal from such order. In case the order so appealed from shall contain leave to amend or answer the pleading demurred to, and shall be affirmed by the supreme court, the party to whom such leave was by the order granted, shall have the same length of time, after notice of such affirmance, in which to avail himself of such leave that the order so affirmed, originally granted to him; but the supreme court in the order affirming the order appealed from, or the district court, or the judge thereof, upon proper application therefor, may extend or increase the time within which to comply with such leave, as to such court or judge shall appear reasonable or proper. In case the order so appealed from and affirmed shall not contain any such leave, or in case the order so appealed from shall be reversed by the supreme court, such court may in such order of affirmance or reversal, grant such leave to amend or answer over as the nature of the case may require, and to such court shall appear reasonable and proper.

Judge to make order for judgment when applied for

SEC. 2. That whenever either party to an action pending in any district court, shall apply to such court or to the judge thereof for an order for judgment on the pleadings in the action, such court or judge shall make an order thereon, and any party deeming himself aggrieved by such order, may appeal therefrom to the supreme court, and in making the decision or order on such appeal, the supreme court may grant to the party against whom the decision may be, such leave to amend as may be

reasonable and proper, and the nature of the case may require, upon such terms as such court may impose and prescribe.

SEC. 3. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXII.

An Act Relating to Appeals to the Supreme Court and Amending Section Eleven of Chapter Seventy-one of the Public Statutes of Minnesota.

SECTION 1. Appeals may be taken to the Supreme Court from any judgment rendered.
2. To apply to orders heretofore made—time when appeal to be taken.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eleven, of chapter seventy-one be, and the same is hereby amended so as to read as follows:

Appeals may be taken to the Supreme Court from any judgment rendered

1st. An appeal may be taken to the supreme court, or brought there from another court from any judgment rendered in such court, and upon the appeal from such judgment the court may review any intermediate order involving the merits or necessarily affecting the judgment.

2d. From an order granting, or refusing a provisional remedy, or which grants, refuses or dissolves an injunction, or an order vacating or sustaining an attachment.

3d. From an order involving the merits of the action, or some parts thereof.

4th. From an order granting or refusing a new trial.

5th. From an order, which, in effect, determines the action, and prevents a judgment from which an appeal might be taken.

6th. From a final order affecting a substantial right made in a special proceeding, or upon a summary appli-

cation in an action after judgment. And such appeal, when taken from an order, shall operate as a *supersedeas*, and stay all proceedings and save all rights, in the same manner as if no order had been made by the court below, in all cases when the appellant, within fifteen days after written notice of such order, shall execute to the respondent and file with the clerk of the court below an undertaking in such sum and with such surety or sureties as shall be approved by the court below or the judge thereof, or in case the said judge cannot from any cause, act therein, by the clerk of said court below, with condition that the appellant shall prosecute his appeal with effect, and pay and satisfy all costs of said appeal and all damages sustained to the respondent by said appeal, and abide the order or judgment which the appellate court may give therein.

Appeal when to be taken

SEC. 2. The provisions of this Act shall apply to orders heretofore made, *Provided*, That the order appealed from has been granted at any time within six months prior to the passage of this Act; and *Provided further*, That the appeal from such order must be taken within sixty days after the passage of this Act.

SEC. 3. This Act shall take effect immediately.

Approved March 1st, A. D. 1861.

CHAPTER XXIII.

An Act to Amend "An Act Regulating the duties of the Reporter of the Supreme Court," Approved February 14, 1860.

SECTION 1. Increase of purchase.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section three (3) of "an act regulating the duties of the reporter of the supreme court," approved February fourteenth, one thousand eight hundred

and sixty, is hereby amended by striking out the words "one hundred (100)" in the fourth line of said section, and substituting therefor the words "one hundred and fifty (150)." Increase of purchase

SEC. 2. This Act shall take effect from and after its passage.

Approved February 21st, A. D. 1861.

CHAPTER XXIV.

An Act Authorizing the Clerk of the Supreme Court to Administer Oaths, and to Take Acknowledgments.

SECTION 1. Clerk authorised to administer oaths, to certify depositions, etc.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The clerk of the supreme court or any deputy clerk thereof, shall have power to administer all oaths required or authorized by law to be administered, to take and certify depositions to be used in any of the courts of this State, and to take and certify to acknowledgments of deeds, or other instruments in writing required by law to be acknowledged. Clerk authorised to administer oaths, etc

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXV.

An Act to Regulate the Manner of Making Decisions in the District Courts in Certain Cases.

SECTION 1. Decision to be made in writing, to be signed by the judge.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Decision to be made in writing to be signed by the judge

SECTION 1. Whenever any district court or the judge of any district court, shall decide upon a demurrer to any pleading in any action pending in such court, and whenever any such court or the judge shall decide upon and determine any motion or application to such court or the judge thereof, for any order from which an appeal may be taken to the supreme court, by either party to the action in which such motion or application shall be made, the judge making such decision upon such demurrer, motion or application, shall make the same in writing, signed by him, and shall therein state separately and distinctly each and every point or question made and submitted to him in writing, on the argument or in the submission of such demurrer, motion or application, and his decision upon each of such points or questions and such decision in writing, shall accompany and constitute a part of, and be filed and served with the order which the court or judge shall make on such demurrer, motion or application.

SEC. 2. This Act shall take effect from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER XXVI

An Act to Amend Sections Forty-Three and Forty-Four of Chapter Sixty-One, of the Public Statutes of Minnesota, Relating to Special Terms of the District Courts.

SECTION 4. Judges to assign by rule or notice, such special terms as may be necessary—what questions to be heard and determined.
2. Judges to appoint time when.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section forty-three of chapter sixty-one, be, and the same is hereby amended, so as to read as follows:

Judge to call special term—what questions to be heard

In addition to the regular terms of the district courts, in this State, as prescribed by law, the judges of the several district courts shall assign by rule or notice, such special terms as may be necessary for the transaction of the business of their respective districts. And the said courts at such special terms shall hear and determine all questions which may arise in said courts, in the following cases:

1st. Applications for judgment in all actions other than those arising on contract for the payment of money only, when a summons has been personally served upon the defendant, and no answer has been made to the complaint, after the time for answering the same has expired. The said court at such term may, upon any such application, whenever it shall be proper so to do, take an account, or hear proof, and render judgment thereon, or may order a reference as herein provided; and when the action is for the recovery of money only, or of specific, real or personal property, with damages for withholding thereof, the court may hear and determine the same at such term, and assess the damages itself, or order a reference for that purpose, or assessment by a jury.

2d. In all cases where an action has been removed to the district court by a *certiorari* to a justice of the

peace, the same may be brought on for argument before the court at such term, and heard and determined as fully as if the same had been determined at general term.

3d. All motions made to the said court in actions or proceedings pending therein, may be heard and determined by the court at such term.

4th. All applications for judgment upon special verdicts, and all questions reserved for argument or further consideration, all motions for new trials, and all issues and questions of law pending in the said court may also be heard and determined at said special term as well as at general term. And the said court may at any time make orders upon a party or parties to show cause why the relief demanded, or remedy sought to be enforced, should not be granted, and may proceed to hear and determine the questions arising thereon, at the time specified in said order, as fully, and in the same manner as if the same had been noticed for general term.

Judge to appoint time when

SEC. 2. That section forty-four of chapter sixty-one of the public statutes of Minnesota, be, and the same is hereby amended, to read as follows: When the judges of any district shall not have assigned any special terms, and in cases where the rights of parties demand immediate action, and an application shall be made to the judge of any of the district courts in vacation, for the hearing and determination of any of the cases mentioned in the preceding section, or any like case, the judge shall appoint a day on which the court will hear and determine the same.

Approved February 21st, A. D. 1861.

CHAPTER XXVII.

An Act to Amend An Act entitled An Act Fixing the Time of Holding Terms of the District Court in various Counties in the First and Fourth Judicial Districts, Approved February 29th, 1860.

SECTION 1. County of Mille Lac added to Fourth Judicial District.
2. All acts inconsistent with this Act are hereby repealed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section one (1) of said act is hereby amended by adding to the end thereof, the following words: "In the County of Mille Lac, on the first Tuesday in June." Addition to Fourth Judicial District

SEC. 2. All acts and parts of acts inconsistent with this Act are hereby repealed. Acts inconsistent with this Act repealed

Approved March 5th, A. D. 1861.

CHAPTER XXVIII.

An Act to Change the Time of Holding the District Court in the Third Judicial District.

SECTION 1. Amendment to Chapter 57, Sub-division 48 of Public Statutes—when and where courts to be held.
2. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That sub-division forty-eight (48) of chapter fifty-seven (57) on page four hundred and eighty-four (484), of the public statutes, be amended so as to read as follows:

When and where courts to be held

3—In the third judicial district, in the County of Winona on the fourth Monday of March, and the second Monday of September of each year.

In the County of Wabashaw on the third Monday of April, and the first Monday of October of each year.

In the County of Olmsted on the first Monday of May, and the third Monday of October of each year.

In the County of Houston on the third Monday of May, and the first Monday of November of each year.

In the County of Fillmore on the first Monday of June, and the second Monday of November of each year.

SEC. 2. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXIX.

An Act to Amend an Act Entitled An Act to Change the Time of Holding the Terms of the District Court, in the Fifth Judicial District, Approved February 8th, 1860.

SECTION 1. Amendment to sub-divisions five and seven of section 1, of the act approved February 8th, 1860—when and where courts to be held.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

When and where courts to be held

SECTION 1. That sub-division five of section one, of an act to change the time of holding the terms of the district court in the fifth judicial district, approved February 8th, 1860, be, and the same is hereby amended so as to read as follows:

In the county of Rice on the first Monday of May, and first Monday of October in each year.

That sub-division seven of said act be amended so as to read as follows:

In the county of Steele, on the first Monday of April, and first Monday of December in each year.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 11th, A. D. 1861.

CHAPTER XXX.

An Act to Change the Time of Holding Court in the Sixth Judicial District.

SECTION 1. When and where Courts to be held.
2. Repeal of former acts.
3. All proceedings made returnable to this Court as fixed by the terms of this Act.
4. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The several terms of the district court for the counties of Faribault, Blue Earth, Nicollet and McLeod, shall be held at the times following: When and where courts to be held

In the County of Faribault, on the first Wednesday after the first Tuesday of April in each year.

In the County of Blue Earth, on the third Monday of June, and on the first Monday of January of each year, except when the first Monday of January falls on the first day of January, in which case it shall be on the first Tuesday of January.

In the County of Nicollet, on the first Monday of June and on the first Monday of December in each year.

In the County of McLeod, on the fourth Monday of August in each year.

SEC. 2. So much of sub-division six (6) of section one (1) of an act to establish the terms of the district court of the State of Minnesota, passed August 12th, 1858, and all other acts inconsistent with this act, are hereby repealed. Repeal of former acts

SEC. 3. All writs, recognizances and other proceedings made returnable to the district court of any of the said counties, shall be considered and deemed to be returnable to the terms of such court as are fixed by this Act, and all continuances, and notices made or taken to What proceedings made returnable to this court

any term of the district court of any of said counties, shall be deemed to be made or taken to the terms of such court, as the same are fixed by this Act, and all motions and other proceedings noticed to be heard at any regular term of such court, shall be allowed and considered to be noticed for hearing at the regular terms of such court as the same are fixed by this Act

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved January 13th, A. D. 1861.

CHAPTER XXXI.

An Act Entitled "An Act to Change the Time of Holding the Terms of the District Court in the County of Scott."

SECTION 1. District court—when to be held.
2. All proceedings to be returned to this court as fixed by this Act.
3. Repeal of all acts inconsistent with this Act.

Be it enacted by the Legislature of the State of Minnesota:

District Court—when to be held

SECTION 1. The general terms of the district court in and for the county of Scott, in the fifth judicial district shall be held at the times following, to wit: On the second Monday in November and on the third Monday in April in each year.

What proceedings made returnable to this court

SEC. 2. All writs, recognizances, and other proceedings made returnable to said district court, shall be considered and deemed to be returnable to the terms of said court as fixed by this Act, and all continuances and notices, made or taken to any term of said court, shall be deemed to be made or taken to the terms of said court, as the same are fixed by this Act, and all motions and other proceedings noticed to be heard at any regular term of said court, shall be allowed and considered to be noticed for hearing at the regular terms of such court as fixed by this Act.

SEC. 3. All acts and parts of acts inconsistent with this Act are hereby repealed. Repeal of acts inconsistent with this Act

Approved February 6th, A. D. 1861.

CHAPTER XXXII.

An Act to Provide for Filling Vacancies in the Office of Clerk of the District Court.

SECTION 1. District judge to appoint suitable person to fill vacancy—to give bond.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That whenever any vacancy shall occur in the office of clerk of the district court, in any county in this State, it shall be the duty of the judge of the district court for the district in which such county is situate, to appoint some suitable person to fill such vacancy, who shall give such bond and take such oath or affirmation as is by law required of clerks of the district court, and who shall hold his office until the next general election, and until his successor is elected and qualified. Vacancies how filled—give bond

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER XXXIII.

An Act in Relation to a Change of the Place of Trial in Civil Actions.

SECTION 1. All papers and documents to be remitted to the county from which the venue was changed.
2. When judge of district is interested, any party to such action may apply for an order to change the venue.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

All papers and documents to be remitted to the county from which the venue was changed

SECTION 1. That whenever a change of venue or place of trial shall have been ordered in a civil action pending in any district court of this State, and such trial shall have been had in the county to which the action shall have been sent for trial, all the papers in the action, together with a transcript of the proceedings, in the case in the county where the trial shall have been had, duly certified, shall be remitted to the county from which the venue or place of trial was changed, and upon such remission of such papers and transcript, and the filing of such transcript, judgment shall be then entered upon the verdict or other determination of the action contained in the transcript in the same manner and with like effect, as if such verdict or other determination had been rendered in such county, and such transcript shall be included in the judgment roll.

When party may apply for an order to change the venue

SEC. 2. That whenever a judge of the district court shall be a party to, or interested in, any civil action pending in the district court of any county in his district, any party to such action may apply by petition to the judge of the district court of any adjoining judicial district for an order to change the venue or place of trial of such action to some county in a judicial district other than the one in which the same shall be pending. Such petition shall be verified to the effect that the same is in substance and matter of fact true, and a copy thereof, together with a notice of the application for an order for such change of venue or place of trial shall be served in

the manner provided for the service of notices of motion, at least eight days prior to the time of making such application. Unless the facts stated in the petition shall be controverted to the satisfaction of the district judge, to whom the application shall be made, he shall make and sign an order, changing the venue or place of trial of the case to some county in a judicial district other than the district in which the same shall be then pending. The convenience of the parties and the witnesses and the security of a fair and impartial trial shall be considered in determining the county to which such case shall be sent for trial. Such order shall be filed in the office of the clerk of the district court of the county in which the case shall be pending and shall be of the same force and effect, as if made in open court in such county, and thereupon the clerk shall immediately transmit to the clerk of the district court of the county to which the case shall be ordered for trial, all the papers filed in his office in such action, including such order, and a transcript of the entries in said action, in his register of actions, duly certified by him. The clerk to whom such papers shall be so transmitted, shall upon the receipt thereof, file the same in his office, and enter the case in his register of actions. If the action shall have been noticed for trial and placed upon the calendar, prior to such change of venue or place of trial, the same shall be put upon the calendar of the district court of the county to which the same shall be so sent, without any further notice of trial or note of issue. Otherwise, the case may be noticed for trial and placed upon the calendar in the same manner as other civil actions pending in such county.

Such order to be filed in the office of the clerk of the District Court of the county in which such case is pending

SEC. 3. This Act shall take effect immediately.

Approved February 21st, A. D. 1861.

CHAPTER XXXIV.

An Act to Amend an Act Entiled "An Act Authorizing a Change of Venue in Justice's Courts," Approved March Twentieth, One Thousand Eight Hundred and Fifty-Eight, being Section Seventy-Nine of Chapter Fifty-Nine of the Public Statutes.

SECTION 1. Causes for which an action may be transferred—no cause to be removed more than once—costs to be paid before the transfer is made—fees for transcript of docket.

Be it enacted by the Legislature of the State of Minnesota:

Causes for which an action may be transferred—no cause to be removed more than once—costs to be paid before the transfer is made

SECTION 1. That section seventy-nine of chapter fifty-nine of the compiled statutes is hereby amended so as to read as follows: If on the return of the process or at any time before the trial shall have commenced in any cause or proceeding, civil or criminal, either party, his agent or attorney, shall make affidavit that the justice before whom the same is pending is a material witness for said defendant, without whose testimony he cannot safely proceed to a trial thereof, or that from prejudice, bias, or other causes, he believes such justice will not decide impartially in the matter, or if it shall be proven that the justice is near of kin to the plaintiff, then in such case the said justice shall transfer said suit and all papers appertaining to the same, to the nearest justice of the same or an adjoining election district who may thereupon proceed to hear and determine the same, in the same manner as it would have been lawful for the justice before whom the said cause or proceeding was commenced to have done; *Provided*, That no cause or proceeding shall be removed more than once, and, *Further provided*, That in all civil actions no justice shall be required to transfer such suit unless all the costs of such justice in the suit are paid, together with fifteen cents per folio for a transcript of the said docket, *Provided*, That the fees for such transcript shall not exceed one dollar.

Approved February 28th, A. D. 1861.

CHAPTER XXXV.

An Act to Repeal Section Twenty of Chapter One Hundred and Fourteen of Revised Statutes, being Section Twenty of Chapter One Hundred and Three of the Public Statutes, Relating to Witnesses in Criminal Cases.

SECTION 1. Repeal of former Act.
2. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section twenty of chapter one hundred and fourteen of the revised statutes, being section twenty of chapter one hundred and three of the public statutes be and the same is hereby repealed. Repeal of former acts

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 15th, A. D. 1861.

CHAPTER XXXVI.

An Act to Amend Section Fifty-One of Chapter Eighty-Four of the Public Statutes, Relating to Witnesses.

SECTION 1. Amendment to chapter eighty-four, section fifty-one of public statutes—when party to an action not allowed to testify.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section fifty-one (51) of chapter eighty-four (84) on page six hundred and eighty-one

(681) of the public statutes, be amended by adding thereto the following words:

When party to an action not allowed to testify

Provided, That where one of the original parties to the contract or cause of action in issue and on trial, is dead, or is shown to the court to be insane, the other party shall not be admitted to testify in his own favor, and where an executor or administrator is a party, the other party shall not be admitted to testify in his own favor, except as to such acts and contracts as have been done or made since the probate of the will or the appointment of the administrator.

Approved March 8th, A. D. 1861.

CHAPTER XXXVII.

An Act to Amend Section Eighty-Eight (88) *of Chapter Fifty-Nine* (59) *of the Public Statutes of Minnesota, being Section Seventy-Four* (74) *of Chapter Sixty-Nine* (69) *of the Revised Statutes.*

SECTION 1. Every judgment from the time of filing of the transcript shall have the same lien on real estate as a judgment of the district court.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eighty-eight (88) of chapter fifty-nine (59) of the Public Statutes of Minnesota be amended so as to read as follows:

Every judgment to have lien on real estate

SEC. 88. Every such judgment from the time of such filing of the transcript thereof shall have the same lien on the real estate of the defendant in the county, as a judgment of the district court of the same county, shall be equally under the control of the district court, and shall be carried into execution in the same manner and with like effect as the judgment of such district court; and upon filing with the clerk of the district court of any other county, a transcript of the original docket of a justice's judgment in the District court of that county, the

same shall be therein docketed, and thereupon become a lien upon the real property in such county, in the same manner as provided upon the filing of transcripts in district courts; but no execution shall be issued thereon out of the district court, until an execution shall have been issued by a justice, and returned that the defendant has no goods or chattels whereon to levy the same, and the same shall appear by a certificate from the justice, filed with the clerk of the district court to that effect.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 18th, A. D. 1861.

XXXVIII.

An Act to Amend Chapter Seventy-six of the Public Statutes of the State of Minnesota, in regard to Proceedings against Boats.

SECTION 1. When boat to be discharged from custody of sheriff.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section fourteen (14) of chapter seventy-six (76) of the public statutes of the State of Minnesota, is hereby amended by adding to the end thereof the following words: *Provided*, That if the master, owner, agent, or consignee shall execute a bond to the plaintiff with sufficient surety to be approved by the justice, conditioned that he will satisfy the amount which shall be adjudged to be owing and due to the plaintiff on the determination of the action, together with costs, then any boat, vessel, tackle, apparel and furniture seized by such warrant shall be discharged from the custody of the sheriff or constable.

When boat to be discharged from custody of sheriff

SEC. 2. This Act shall take effect from and after its passage.

Approved Mareh 6th, A. D. 1861.

CHAPTER XXXIX.

An Act to Amend an Act Entitled "An Act to Secure Uniformity in Weights and Measures," being Chapter Twenty-Seven of the Public Statutes and Chapter Thirty-Two of the Revised Statutes of Minnesota.

SECTION 1. Duty of State Treasurer.
2. State Treasurer to be sealer of weights and measures.
3. Who to be sealer of each county—duty of County Treasurer—fees.
4. Duties of Supervisors.
5. Duty of township sealer.
6. Baskets or other measures—average size.
7. Dimension of measures by which meal, fruit, etc., are usually sold.
8. Standard measure by which milk may be sold.
9. Commodities—how weighed.
10. Wheat, rye, oats, etc.—how weighed or measured.
11. Penalty for not conforming to the provisions of this Act.
12. Penalty for neglect of duty.
13. Proceedings against sealer—how instituted.

Be it enacted by the Legislature of the State of Minnesota:

Duty of State Treasurer

SECTION 1. That section one of said act be so amended as to read as follows:

The set of standard weights and measures received from the Secretary of State of the United States, and all scalebeams, weights and measures owned by this State, shall be deposited in the office of the State Treasurer, who shall receive and preserve the same.

State Treasurer to be sealer of weights and measures

SEC. 2. The State Treasurer shall be the sealer of weights and measures for the State. He shall try and prove by said standards all weights and measures, scales or beams sent or brought to him for that purpose, by any county sealer, and shall seal such when found to be accurate, by stamping upon them the letters "Min.," with a seal he shall have and keep for that purpose.

SEC. 3. The treasurer of each county shall be the sealer of weights and measures for the county. He shall with-

in three months from the passage of this Act, procure at the expense of the county (if not already provided), a full set of weights and measures, scales and beams, which he shall cause to be tried, proved and sealed by the State standard, and certified by the State Treasurer, and thereafter the county treasurer for the time being, once in every five years from the first day of January, eighteen hundred and sixty-five. Such weights and measures when so sealed and certified, to be deposited in the office of the county treasurer as the county standards, by which he shall try and prove all scalebeams, steelyards, weights and measures brought to him for that purpose, and shall seal such when found to be accurate, by stamping upon them the letters "Min." with a seal he shall have and keep for that purpose. And for each trying and proving, whether sealed or not, he shall be entitled to receive a fee of five cents for every scalebeam, steelyard, weight or measure. Who to be sealer of each county

SEC. 4. It shall be the duty of the supervisors of any township, upon application by petition of twenty or more legal voters of such township, to appoint some suitable person, as sealer of weights and measures for said township, who shall be sworn to the faithful discharge of his duty, and who shall hold office until his successor shall be appointed and qualified. Duties of Supervisors

SEC. 5. It shall be the duty of the sealer of weights and measures for the township, to procure at the expense of such township (if not now provided), a complete set of weights and measures, which shall be tried, proved, and sealed by those in the office of the county treasurer, and by him certified, and when so sealed and certified, such weights and measures shall be the township standard. Such weights and measures to be tried, proved and sealed by the county standards, once in every two years. Such township sealer shall try and prove all scalebeams, steelyards, weights and measures brought to him for that purpose, and shall seal such when found to be accurate, by stamping upon them the letters "Min." with a seal he shall have and keep for that purpose. And for such trying and proving, whether sealed or not, he shall be entitled to receive a fee of five cents for every scalebeam, steelyard, weight or measure. Duty of township sealer

SEC. 6. Every basket or other measure by which charcoal shall be sold shall not be less in its average di-

Average size of baskets or measures

ameter than twenty inches, and of sufficient depth to contain four thousand eight hundred and thirty-nine cubic inches, which shall be accounted two bushels.

Measurement of meal, fruit, etc

SEC. 7. All measures by which meal, fruit and other commodities are usually sold, by heaped measure, excepting charcoal, shall be of the following dimensions: The bushel not less in its inside diameter than eighteen and a half inches, the half bushel not less in its inside diameter than thirteen and three-quarter inches, the peck not less in its inside diameter than ten and three-quarter inches, and the half peck not less in its inside diameter than nine inches, which shall be heaped as high as may be without special effort or design.

Measurement of milk

SEC. 8. The standard measure by which milk shall be sold, shall be two hundred and eighty-two cubic inches to the gallon, and its sub-divisions in the same proportions.

Commodities—how weighed

SEC. 9. When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods or commodities, shall be construed accordingly, unless such construction shall be manifestly inconsistent with the special agreement of the parties contracting.

Measurement of wheat, rye, etc

SEC 10. Whenever wheat, rye, indian corn, oats, barley, potatoes, clover seed, buckwheat, dried apples, or dried peaches shall be sold by the bushel, and no special agreement as to the measure or weight thereof is made by the parties, the measure shall be ascertained by weight as follows: Sixty pounds for a bushel of wheat, clover seed or potatoes; fifty-six pounds for a bushel of rye or indian corn; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; forty-two pounds for a bushel of buckwheat, and twenty-eight pounds for a bushel of dried apples or dried peaches.

Penalty for non-compliance with the provisions of this Act

SEC. 11. All persons engaged in any business, trade or occupation, requiring the use of weights or measures, shall, on or before the first day of June next, and annually thereafter cause to be tried, proved and sealed by the sealer of weights and measures, in their respective towns or counties, all scale beams, steelyards, weights or measures, used by them in buying or selling any goods, wares, merchandise, grain or other commodities. If, after the expiration of four months from the passage of this Act,

any person shall sell or dispose of any goods, wares, merchandise, grain or other commodities, by any scale-beam, steelyard, weight or measure, not proved and sealed in accordance with the provisions of this Act, or shall fraudulently sell or dispose of any goods or commodities, by any scalebeam, steelyard, weight or measure that has been sealed but is unjust, shall, upon conviction thereof, by any court of competent jurisdiction, forfeit for each offense a sum not exceeding twenty dollars, to the use of the complainant.

Penalty for neglect of duty

SEC. 12. If the treasurer of any county, or the sealer of weights and measures for any township, shall neglect to procure, (if not already provided) a set of weights and measures for such county or township, in compliance with the provisions of this Act, shall, upon conviction thereof by any court of competent jurisdiction, forfeit a sum not exceeding one hundred dollars to the use of the county.

Proceedings against sealer—how instituted

SEC. 13. No suit shall be hereafter commenced against any county or township sealer for neglecting to procure the sets of weights and measures as required by law, until the person proposing to bring such suit shall have given such sealer notice, in writing, of his intention to commence such suit, at least twenty days prior thereto. And if such weights and measures shall be provided in accordance with the requirements of law, within twenty days from such notice, then such suit shall not be sustained.

Approved March 12th, A. D. 1861.

CHAPTER XL.

An Act Providing for Recording, Printing and Distributing the Journals of the Legislature, and the Laws and Public Documents.

SECTION 1. Secretary of Senate and Clerk of House of Representatives to keep journals of their respective Houses—when to be delivered to printer.
2. What shall not be recorded in journals.
3. Each printed journal to have an appendix—what to consist of.
4. To preserve all documents—deliver said copies to printer—number of copies to be printed.
5. Who to make index to journals.
6. County, township, city and village officers when to report.
7. When to make annual report—fiscal year, when to commence.
8. Publication of annual documents—number of copies.
9. Annual message of Governor to be printed in pamphlet form—number of copies.
10. Annual documents to be bound in one volume—number of copies.
11. Number of copies of journals and laws to be printed—general and special laws and joint resolutions to be bound in one volume.
12. Officers entitled to copies of journals.
13. Officers entitled to copies of laws.
14. Duty of Secretary of State when laws and journals are completed.
15. Duty of county auditors.
16. Secretary of State to deliver copies to the several Departments—number to each.
17. Manner and style of printing and binding laws, journals, and executive documents.
18. Disposition of laws, journals, and executive documents not distributed.
19. All acts inconsistent with this Act are repealed.
20. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Who to keep journals of the legislature—when to be delivered to printer

SECTION 1. The secretary of the senate, and the clerk of the house of representatives shall keep a journal of the proceedings of their respective houses. After being read and corrected in the presence of the house to which the journals respectively belong, the proceedings of each day shall be attested by said secretary and clerk, and each journal shall be recorded in books to be furnished for that purpose by the Secretary of State. After the journals are recorded in these books, said books shall be deposited with the Secretary of State, who shall carefully preserve the same, and said records shall be considered the true and authentic journals. The original daily journals as kept, corrected and attested, shall be delivered by the secretary of the senate and the clerk of the house to the person authorized by law to print the same, within thirty

days after the adjournment of each general or special session of the legislature.

What shall not be recorded in journals

SEC. 2. No executive message, address, or communication of any state officer, or board of officers, no report of the superintendent or other officers of any institution or building, no petition or memorial, no argumentative or voluminous report of any standing or select committee of either house, or joint committee of both houses, no special report of any officer or board of officers, made in reply to any joint resolution of both houses, nor any other long or voluminous document, except amendments to the constitution and to bills and resolutions, and the protests of members of either house against any act or resolution thereof shall be entered at length upon the journals or recorded in the record provided for in the foregoing section.

Appendix to journals—what to consist of

SEC. 3. The journals shall be printed as kept and recorded, and to each printed journal there shall be an appendix in which shall be printed all such petitions and memorials, and all such reports of committees, and all such special reports, and communications of all officers or boards of officers, as may be laid before either or both houses, and all such other papers and documents as may be laid before either or both houses in writing unless the printing thereof is otherwise provided for in this Act; *Provided*, That no paper or document shall be printed in either appendix unless the house before which such paper or document shall be laid, shall expressly order the same to be printed in the appendix of the journal of such house; and if any paper or document be laid before both houses and be ordered to be printed by both houses, the same shall be printed only in the appendix to the senate journal. The abstract of votes for Governor and other state officers, shall be printed in the appendix to the senate journal, and the standing rules in the appendix to each journal without an order by either or both houses.

Preserve all documents.

SEC. 4. The secretary of the senate and clerk of the house shall carefully preserve, during the session, all such papers and documents as may be laid before the house of which he is secretary or clerk, and such of them as may be ordered by such house to be printed, he shall forthwith deliver to the printer for his use in printing the same, and the printer shall immediately print two

Deliver copies to printer—number of copies to be printed

hundred and forty copies of the same, of which number each of the executive officers shall receive one, and the librarian five, which he shall preserve. No extra copies of any such paper or document shall be printed, except the same be ordered by joint resolution, passed within three days of the day on which the two hundred and forty copies of the same are printed and delivered to the secretary or clerk, and if extra copies be so ordered, the printer shall print the same without any charge for composition for such extra copies; *Provided*, that all printing done by the order of either branch of the legislature, or by joint resolution, or by virtue of any law authorizing the same, shall be printed as solid matter. The secretary and clerk shall keep a correct list of all papers and documents of which extra copies shall be ordered to be printed, and also of all such as may be ordered to be printed in the appendix to the journal of the house of which he is secretary or clerk, and shall furnish the printer with copies of such lists whenever requested by the printer so to do, and if any such paper or document be ordered to be printed in the appendix to either journal before the same is delivered to the printer, the secretary or clerk having charge of the same, shall endorse upon it, before sending it to the printer, these words, "ordered to be printed in the appendix," and if any such paper or document be ordered to be printed in either appendix within three days after the same has been printed for the use of the legislature, then no charge for composition shall be made for printing the same in the appendix.

Who to make index to journal

SEC. 5. The secretary of the senate and the clerk of the house shall each make out a correct index to the journal kept by them respectively, and also of its appendix, and deliver the same to the printer, who shall print the same at the close of the appropriate volume.

Officers when to report

SEC. 6. All county, township, city and village officers, and all officers and boards of officers of all state institutions and buildings, and all officers connected with the public works of the state, and all corporations (except such as by their charter are required to make their reports at some other specified time,) which are now or may hereafter be required by law to make annual reports for any purpose to any state officer or officers, shall make out the same on or before the fifth day of November of each year, and forthwith transmit the same to the proper

officer or officers. For the purpose of making out all such reports as come within the provisions of this section, the year shall begin on the first day of November of each year, and end on the first day of October of the succeeding year.

When to make annual report—fiscal year when to commence

SEC. 7. All state officers and boards of officers, and the officers of all such institutions and buildings as are now or may hereafter be required to make annual reports to the legislature, or to the Governor, shall hereafter make such reports to the Governor on or before the fifth day of December of each year; and for the purpose of making out such reports as come within the provisions of this section, the fiscal year for this state is hereby declared to begin on the first day of December of each year, and to end on the last day of November of the succeeding year. The Governor, upon receiving such reports as are mentioned in this section, shall cause the same forthwith to be printed by the person authorized to execute the state printing for the current year; and the Governor shall lay before the legislature all such reports in printed form, at the same time he lays before it his annual message.

Publication of annual reports—number of copies

SEC. 8. There shall be printed under the provisions of the foregoing section, in pamphlet form, and covered in brochure covers, the following numbers of each of the following documents, to wit: Auditor of State's report, five hundred copies; Treasurer of State's report, five hundred copies; Secretary of State's report, five hundred copies; Attorney General's report, five hundred copies; report of the Superintendent of Public Instruction, five hundred copies; report of the Regents of the University, five hundred copies; report of the Trustees of the State Normal School, five hundred copies; report of the Warden of the State Prison, five hundred copies; report of the Adjutant General, three hundred copies. Said reports when thus printed, to be used as may be directed from time to time by joint resolution of the legislature.

Number copies of annual message of Governor

SEC. 9. All regular messages of the Governor, and all inaugural addresses of the Governors elect, shall be printed in pamphlet form, and there shall be printed in such form for the Governor's use, one hundred copies thereof; and for the legislature four hundred copies,

without any order by either or both houses for the printing thereof.

Annual documents to be bound in one volume—number of copies

SEC. 10. At the same time that the documents mentioned in the two preceding sections, shall be printed in pamphlet form, there shall be printed on the same type on which said pamphlet form of said documents shall be printed three hundred copies of each document named in said two preceding sections, which shall be bound together in a volume, which shall be styled "executive documents." The paging of said documents shall be consecutive. The Secretary of State shall make out an index of said volume of executive documents, which he shall deliver to the printer, who shall print the same at the close of said volume. There shall be no charge for composition for printing the number of copies of said executive documents necessary for the volume herein provided for, and none of them shall be printed otherwise than is provided in this and the two preceding sections of this Act.

Number copies of laws and journals

SEC. 11. There shall be three hundred copies of each journal and appendix printed. There shall be five thousand copies of the laws and joint resolutions printed, and all the laws, local and general, and joint resolutions printed, shall be bound in the same volume.

Who entitled to copies of journals

SEC. 12. Each member and officer of the legislature, for himself, and each clerk of each court of record, and each county auditor, for the use of their offices respectively, shall be entitled to one copy of each journal and appendix and the volume of executive documents. Each university, college, academy, or other literary institutions, which now is or may hereafter be established in this State, shall be entitled to one copy of the laws passed at each session of the legislature, and also to one copy of each journal and appendix, and one copy of executive documents.

Who entitled to copies of laws

SEC. 13. Each member and officer of the legislature, for himself, each judge and each clerk of each court of record, each justice of the peace, constable, chairman of the board of township supervisors, township clerk, each mayor, auditor, treasurer, clerk, recorder, (or alderman or trustee of any ward,) in any city or incorporated village; each county auditor, treasurer, recorder, sheriff, prosecuting attorney, surveyor, coroner and county commissioner, shall be entitled to receive one copy of the

laws passed at each session of the legislature, for their use while filling such offices; but every such officer, (except members and officers of the legislature), as may by virtue of his office receive a copy of the laws, journals or executive documents for his use, while filling such office, shall deliver the same to his successor in office, for his use while filling such office, and if any such person shall refuse, on demand being made, to deliver them to his successor in office, such person so refusing, shall forfeit and pay any sum not less than five nor more than fifteen dollars, to be recovered in an action brought by the successor in office of such person, in the name of the State of Minnesota, (for the use of the county where such action is brought), before any justice of the peace of such county.

Duty of Secretary of State when laws and journals are completed

SEC. 14. The Secretary of State shall, as soon as the laws, journals and executive documents of each session are printed and ready for distribution, box up the number of each, to which each county may be entitled, together with such number of extra copies of the laws for sale, as he may deem sufficient to supply the demand for the same and forward the same by public conveyance to the auditor of the county. If any county seat be so situated that the laws, journals and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near such county seat as practicable, and the Secretary of State shall notify the county auditor in writing, of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county seat. The treasurer of each county shall, on the order of the auditor, pay the charges for the conveyance of the same from Saint Paul to such county seat, and he shall take triplicate receipts therefor, one of which he shall file with the county auditor, and the other two he shall forward to the Secretary of State, one of which he shall file with the Auditor of State, who shall thereupon issue his warrant on the Treasurer of State, for the amount thereof, who shall pay the same to the Secretary of State out of any money appropriated for that purpose which may be in the treasury, and the Secretary of State shall remit the same to the county treasurer.

SEC. 15. The county auditor shall deliver the laws, journals and documents to such persons and institutions

Duty of County Auditors

as may be entitled to receive them, when requested so to do, and shall take receipt therefor, and file the same in his office, subject to inspection. All such copies of the laws as may be forwarded to any county for sale, shall be delivered by the auditor to the clerk of the district court, and the auditor shall take his receipt therefor, and file the same with the receipts aforesaid, and the auditor shall likewise charge the said clerk with such laws, in a book kept for such purpose in his office, at the actual cash cost of the same, which actual cost shall be ascertained by the Secretary of State, who shall notify the county auditor thereof, and the clerk shall sell said laws at the actual cost, and quarter yearly, after he has received the same, shall pay all moneys which may come into his hands from such sales into the county treasury, and all such money shall be considered a part of the general revenue of the county. All copies of the laws which shall not be disposed of to persons or institutions entitled to the same, or which may not be sold, shall be carefully preserved by the clerk, to be delivered to the officers of any new township, or newly incorporated village, or to such officers entitled thereto as may by any unavoidable accident have lost their copies of the same.

Number of copies to be delivered to the several departments

SEC. 16. The Secretary of State shall deliver to the Governor, for his own use, two copies of the laws, and one copy of the journals and documents; he shall deliver to the Auditor of State and Treasurer of State each, three copies of the laws and one of the journals and documents; to the Attorney General, each trustee or superintendent of any state benevolent institution, each Director and Warden of the Penitentiary, one copy of the same; to the Clerk of the Supreme Court one copy; and the Superintendent of Public Instruction shall receive one copy of the same; and the Secretary of State shall furnish the Governor with such number of copies of each as will be necessary to furnish each State and each of the Departments and Territories of the United States and the General Government of the United States with a copy; and the Secretary of State shall furnish the State Librarian with five copies of each, for the use of the library.

Style of printing and binding laws, journals and executive documents

SEC. 17. The laws and journals required by this Act to be printed and put up in book form shall all be bound in brochure covers, and the executive documents shall be bound in quarter binding; and each journal and its appropriate appendix shall be bound in the same volume.

SEC. 18. All copies of the journals, executive documents and laws which shall not be distributed under the provisions of this Act, shall be preserved by the Secretary of State subject to future distribution by law. Disposition of documents not distributed

SEC. 19. All acts and parts of acts inconsistent with the provisions of this Act, are hereby repealed. Repeal of acts inconsistent with this

SEC. 20. This Act shall take effect and be in force from and after its passage; *Provided*, That nothing contained in this section [Act] shall be so construed as to compel the paging of the volume of executive documents for the year one thousand eight hundred and sixty-one to be consecutive, as provided for in section ten of this Act.

Approved March 7th, A. D. 1861.

CHAPTER XLI.

An Act in Relation to Printing the Laws.

SECTION 1. Laws to be published without certificates attached thereto.
2. General certificate of Secretary of State to be attached at the end of each volume.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All laws printed or published by authority of this State, shall be printed or published without any certificates or additions to the same, except the word "approved," and the date of said approval. Laws to be published without certificate attached

SEC. 2. In each volume of the session laws hereafter published, there shall be a general certificate made by the Secretary of State, to the effect that all the laws, memorials and resolutions contained therein, have been compared by him with the originals thereof, in his office, and that they are correct copies thereof. General certificate to be attached at the end of each volume

Approved March 6th, A. D. 1861.

CHAPTER XLII.

An Act Regulating the State Library.

SECTION 1. State Librarian—how appointed—term of office.
2. Duty of Librarian.
3. To give bond for faithful performance of duty.
4. To have custody and charge of all books, maps, charts, etc.
5. Library when to be kept open.
6. Compensation of Librarian.
7. Who permitted to remove from the Library any books or other property.
8. No books or property to be taken from the seat of government.
9. Penalty for neglect of duty.
10. Forfeiture if books or other property be taken from the Library by any person not authorized by this Act so to do.
11. To prepare alphabetical catalogue and report to the legislature.
12. To cause each book in the Library to be labeled.
13. Every additional book to be labeled.
14. Penalty for injuring, defacing, destroying or losing any book or property belonging to the Library.
15. Who to make rules and regulations for the management of the Library.
16. Librarian to make report—when.
17. Who to determine what books shall or shall not remain in the Library for reference.
18. Fines and forfeitures shall be for the use of the Library.
19. This Act to be posted in the Library.
20. Repeal of former acts.

Be it enacted by the Legislature of the State of Minnesota:

State Librarian —how appointed —term of office

SECTION 1. That the Library of the State shall be in the care and custody of a librarian appointed by the Governor, by and with the advice and consent of the senate, who shall hold his office for one year, and until his successor is appointed and qualified.

Duty of Librarian

SEC. 2. The State Library shall be kept by him in the room provided for that purpose in the Capitol, at the seat of government, and the librarian shall provide for the safe keeping of the State Library therein, and all things belonging or appertaining thereto, and provide shelves for the arrangement thereof, in such manner as to be easy and convenient of access.

To give bond

SEC. 3. The librarian shall give bond to the State in the sum of two thousand dollars, with one or more sufficient sureties for the faithful performance of his duties for the preservation and safe delivery of all the property committed to his care, to his successor, or to the Governor, and for the faithful paying over all moneys that may come into his hands, from fines, forfeitures, or otherwise,

which bond is to be approved by the Governor, and filed in the office of Secretary of State.

To have charge of books, maps, etc

SEC. 4. The librarian shall have the custody and charge of all books, maps, charts, engravings, paintings and all other things properly belonging to the library, or directed to be deposited therein.

When library to be kept open

SEC. 5. The library shall be kept open during the session of the legislature, and of the supreme court, at the seat of government, from nine to twelve o'clock in the forenoon, and from two to five o'clock in the afternoon, Sundays excepted, and at other times during the afternoon of each Wednesday and Saturday.

Compensation

SEC. 6. The compensation of the librarian shall be an annual salary of six hundred dollars.

Who permitted to take books from the library

SEC. 7. No person shall be permitted to remove from the library any book or other property belonging thereto, except the Governor, the Judges of the Supreme and District Courts, the Judges of the District Court of the United States, the United States District Attorney, the heads of departments of State, the members and officers of the legislature during the session thereof, and attorneys of the supreme court during term time, but no one of said persons shall be allowed to take such books or property from the library without executing a receipt therefor, nor keep the same more than ten days at any one time.

No books to be taken from the seat of government

SEC. 8. No books or other property shall be removed from the seat of government, and no person shall be entitled to have more than two books from the library at the same time; *Provided*, That during the terms of the supreme court of the State, or the federal court, the judges and attorneys may be permitted to take and use any number of books needed on the trial of causes; *Provided*, Said books shall not be taken from the seat of government, and shall be returned according to law.

Penalty for neglect of duty

SEC. 9. If the librarian shall permit or allow any person not authorized by this Act, to remove a book or other property from the library, he shall be liable to pay a fine of ten dollars for every book or other article so taken, and it shall be the duty of the Governor to direct the strict enforcement of this penalty.

SEC. 10. Any person not authorized by this Act so to do, who shall take from the library a book or other property belonging thereto, either with or without the consent

Forfeiture

of the librarian, shall forfeit three times the value of such book or property, to be recovered by the librarian in the name and for the use of the State, before any court of competent jurisdiction; *Provided*, That in case of felonious taking, the party or parties guilty, shall be punished in manner now provided by law.

To prepare catalogue

SEC. 11. It shall be the duty of the librarian to prepare an alphabetical catalogue of the library, with the number of books as described in the succeeding section, and report the same to the Legislature.

To cause each book to be labeled

SEC. 12. It shall be the duty of the librarian, before the next session of the legislature, to cause each book in the library to be labeled with a printed label, to be pasted on the inside of the cover, with the words, "Minnesota State Library," with the number of the volume in the catalogue of said library inscribed in said label, and also to write or stamp the same words at the bottom of the twenty-fifth page of each volume.

Every additional book to be labeled

SEC. 13. All books that may be hereafter added to the library, shall be labelled and stamped in the same manner and entered on the catalogue immediately on their receipt and before they can be taken therefrom.

Penalty for injuring or destroying books

SEC. 14. Any person injuring, defacing, destroying, or losing a book or other property belonging to the library, shall forfeit twice the value thereof, to be sued for and recovered, as provided for in the tenth section of this Act, or if it shall be one volume of a set, he shall forfeit the full amount of the value of the set, and it shall be the duty of the librarian to prosecute such person upon such loss or injury coming to his knowledge; *Provided*, That if such person shall within a reasonable time replace the book or other article so injured or lost, he shall not be liable to fine or prosecution under this section.

Who to make rules and regulations

SEC. 15. The Governor, Secretary of State, and librarian shall adopt such further regulations consistent with the provisions of this Act, as they see fit, for the preservation and management of the library, and may prescribe forfeitures for the breach of such regulations, which regulations and forfeitures being posted one week in the library room, shall have the force and effect of law, and such forfeitures may be recovered by the librarian in the name of the State, before any court having jurisdiction thereof.

SEC. 16. The librarian shall report to the Governor

whenever called on, a list of books and other property missing from the library, and amount of fines and forfeitures imposed and collected, and the amount uncollected, a list of accessions to the library since the last report and all other information in relation to the library that he may call for. He shall also make a full and specific report to the legislature on the first of its session. Librarian to make report—when

SEC. 17. The Governor, Secretary of State, and librarian may determine what books and articles may be taken from the library, and what shall remain in the library for reference. Who to determine what books may remain in the library

SEC. 18. All fines and forfeitures shall be for the use of the library, and shall be expended according to the directions of the Governor, Secretary of State and the librarian. Disposition of fines

SEC. 19. This Act shall be posted in conspicuous places in the library. Where to be posted

SEC. 20. An act entitled "an act providing for the appointment of librarian and for other purposes," passed February twenty-fifth, one thousand eight hundred and fifty-one, and all other acts amendatory thereto are hereby repealed. Repeal of former acts

Approved February 15th, A. D. 1861.

CHAPTER XLIII.

An Act Describing the Great Seal of Minnesota.

SECTION 1. Adoption of the Seal heretofore used.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the seal heretofore used as the seal of this State, shall be the seal thereof. Adoption of seal

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 5th, A. D. 1861.

CHAPTER XLIV.

An Act to Authorize and Provide for the Enlargement of the State Prison.

SECTION 1. Warden authorized to contract for the enlargement of the prison.
2. To be made of the same material as the main building.
3. Contract to be given to the lowest responsible bidder.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Warden authorized to contract for the enlargement of the prison

SECTION 1. The warden of the state prison, under the direction of the inspectors of the state prison, is hereby authorized to contract for the enlargement of the prison by extending the wing to the width, and raising it to the height of the main prison building, and for the finishing of the same, and the division of it so as to make a dining hall on the first floor, and a hospital and room for female convicts on the second floor; and for the construction of a new guard house, and the removal of one of the present guard houses to an angle of the prison wall.

Material to be used

SEC. 2. The enlargement shall be made of the same materials, and conformable in style to the main prison building.

Contract to be given to the lowest responsible bidder

SEC. 3. The warden shall prepare a plan of the work to be done, with specifications of materials, style and work, and shall keep the same at his office for the inspection of any person who may desire to see it. He shall advertise in a newspaper published at Stillwater and at Saint Paul, for four weeks, for sealed proposals for furnishing the materials and doing the work herein provided for, and at the time fixed on, shall proceed to open the proposals received, in the presence of the inspectors of the state prison, and shall award the contract for furnishing the said materials and doing the work, to the lowest responsible bidder or bidders for the same, if, in his opinion, with the approbation of the said inspectors, the same will be advantageous to the State. He shall immediately proceed to enter into a contract in behalf of the State with the said bidder or bidders to whom the contract shall

be awarded, for the furnishing of the said materials and the doing of the work herein provided for; and shall have the care and superintendence of the same until its completion. He may provide in said contract for the payment of the said contractors from time to time as the work shall progress, but in no case within ten per cent. of the value of materials furnished or work done, until the completion of the same. Contractor how paid

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XLV.

An Act to provide for a Janitor at the Capitol.

SECTION 1. Who to appoint janitor—term of office.
2. Duty of janitor.
3. Salary of janitor.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Governor is hereby authorized and required to appoint a suitable person as janitor of the capitol, to hold said office during the pleasure of the Governor. Who to appoint janitor—term of office

SEC. 2. It shall be the duty of the janitor to keep in order the several rooms in the capitol, occupied by the various public officers, to make fires therein, and perform such other duties in and about the capitol building as the Governor may direct and as are usually required of such functionaries. Duty of janitor

SEC. 3. The said janitor shall receive an annual salary of three hundred dollars payable quarterly upon the certificate of the Governor. Salary of janitor

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved February 14th, A. D. 1861.

CHAPTER XLVI.

An Act to Provide for the Encouragement of Immigration.

SECTION 1. Commissioner of Statistics authorised to publish annual report—number of copies.
2. Reports, how distributed.
3. Commissioner shall cause to be published monthly official communications, the results of his investigations—where to be published.
4. Compensation of Commissioner.
5. Repeal of sections three, four, and five, of former act.
6. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authorized to publish annual report—number copies

SECTION 1. That the Commissioner of Statistics is hereby authorized to publish annually, at the expense of the State, with the consent of the Governor, not more than five thousand copies of his annual report, in the form of a pamphlet, which shall not contain more than two hundred pages; *Provided*, That the printing of the same shall be done with the consent of the Governor, and under the supervision of the Commissioner of Statistics.

Distribution of reports—how

SEC. 2. That for the purpose of encouraging immigration, the reports of said commissioner shall be annually distributed by him, under the direction of the Governor and Secretary of State, as follows: Two hundred copies shall be reserved for the State Library for exchanges, five copies for each member of the Legislature, twenty-five copies for each member of Congress from Minnesota, and one hundred copies for the use of the Commissioner of Statistics, and the remainder shall be distributed in single copies, as follows: To the leading newspapers and other influential periodicals of the United States, the British Provinces, Great Britain, Ireland, the German States, France, Belgium, Holland, Denmark, Norway, and Sweden, to the consuls representing those countries in the principal ports of the United States, and the principal consuls and resident ministers of the United States in Europe, to the boards of trade, the principal

hotels, reading rooms, library and agricultural societies, and to public libraries in the United States and British Dominions, and to such other influential persons, associations and institutions as in the opinion of the Governor and Secretary of State shall best promote the interest of immigration so this State; *Provided however*, That one thousand copies be reserved by the secretary for sale, as follows: He shall advertise the same for sale for three months, in the official newspaper of the State, at a price equal to the cost of publishing and mailing the same, the proceeds of such sale to be deposited in the state treasury, and such as remain unsold three months after advertising the same, shall then be distributed as above ordered, and the Secretary of State shall make an annual report of such distribution and sale to the Governor.

Reports how distributed

SEC. 3. That in addition to the duties of said commissioner, now provided by law, he shall cause to be published in such newspapers as he may elect in this State, and at New York, Philadelphia, Boston, Chicago, Cincinnati, and Saint Louis, and, if practicable, in London, Dublin, Hamburg, Bremen, Stockholm, Amsterdam and Paris, but without expense to the State, monthly official communications, exhibiting the results of his investigations in relation to the agriculture, trade, finance, and physical and social progress of the State.

To publish result of investigation —where

SEC. 4. That in lieu of the copyright of his reports, the salary of the commissioner is hereby fixed at one thousand dollars per annum, from the date of his appointment, and a further sum of fifteen hundred dollars, or so much thereof as may be necessary, shall be allowed to defray the expenses of printing and distributing the annual reports, for postage, stationery, maps, books, scientific contributions, and other necessary expenses.

Compensation of Commissioner

SEC. 5. That such parts of sections three, four, and five of an act to provide for the publication and collection of statistics, approved February sixth, eighteen hundred and sixty, as relates to the contingent and printing expenses of said commissioner, are hereby repealed, and no previous act shall be construed to affect the provisions of this Act.

Repeal of former acts

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved February 15th, A. D. 1861.

CHAPTER XLVII.

An Act to Amend an Act Entitled "An Act to Authorize and Regulate the Business of Banking," Approved July Twenty-Sixth, One Thousand Eight Hundred and Fifty-Eight.

SECTION 1. Auditors may receive all stocks or securities issued by the United States—at what rate of interest.
2. Acts inconsistent with this Act repealed.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Auditor may receive all stocks or securities issued by the United States

SECTION 1. That section five of an act entitled an act to authorize and regulate the business of banking, approved July twenty-sixth, one thousand eight hundred and fifty-eight, be and hereby is amended as follows, to wit:

It shall be lawful for the Auditor of State to receive all stocks or securities, issued or to be issued by the United States, bearing interest at a rate not less than five per centum per annum, as securities under this Act, said stocks or securities to be valued at a rate to be estimated and governed by the rate at which such stocks or securities are sold in the city of New York, at the time of the assignment or transfer to the Auditor.

Repeal of acts inconsistent with this Act

SEC. 2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XLVIII.

An Act Granting the Privileges of Citizenship Under Certain Restrictions to the Civilized Indians of this State.

SECTION 1. All persons of Indian blood may become citizens of this State—qualifications.
2. District court to issue certificates of citizenship.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

All persons of Indian blood may become citizens of this State—qualifications

SECTION 1. Any male person of Indian blood, over twenty-one years of age, who shall desire to become a citizen of this State, shall appear before a district court of the State, in regular term, and shall establish by at least two witnesses, one of whom shall be a white man, that he is possessed of the following qualifications:

First, A just idea of the nature of an oath.

Second, A fixed residence in a house, as distinguished from a teepee or wigwam.

Third, That he has been, for at least two years immediately preceding his application to said court engaged in the cultivation of the soil, or in the trades or in any other strictly civilized pursuit.

Fourth, That he has during said term of two years, assumed the habits and worn the dress of civilization.

Fifth, That he is a man of correct general demeanor, and possessed of good moral character.

District Court to issue certificates of citizenship

SEC. 2. The district court by which such facts shall be found, shall cause to be entered in a book to be kept for that purpose, a certificate that such Indian has made application to have the right of citizenship extended to him, and that satisfactory evidence of the facts hereinbefore enumerated has been produced, and that such court has found him possessed of such qualifications. The court shall thereupon give to said Indian, under the seal of such court, a copy of such certificate, and such Indian shall then and thereafter be deemed to all intents and purposes, a full citizen of this State, with the right to sue and

be sued in any of the courts of this State in like manner and with the same effect as other inhabitants thereof, and shall be entitled to the same civil rights as other citizens.

Proviso

Provided, That nothing in this Act shall be so construed as to deprive such Indians of the right to any annuities now due them or which may hereafter become due them from this State, or from the United States.

SEC. 2. This Act shall take effect and be in force from and after the thirtieth day of April, A. D., one thousand eight hundred and sixty-one.

Approved March 11th, A. D. 1861.

CHAPTER XLIX.

An Act Granting the Right of Way to Canals, Tow-Paths and Other Works of Intennal Improvement.

SECTION 1. Corporation may purchase right of way—deeds and conveyances shall be signed by the president.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Corporations may purchase right of way—deeds to be signed by President

SECTION 1. Any number of persons having associated themselves together and become incorporated for the purpose of constructing canals, tow-paths or other works of internal improvement under the general law for the creation and regulation of incorporations, may acquire by purchase or gift any lands through which said companies may pass, so far as may be deemed convenient or necessary to secure the right of way, and the same to hold and convey, in such manner as the directors of said companies may prescribe, and all deeds and conveyances made by such companies shall be signed by the president under the seal of the corporation.

SEC. 2. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER L.

An Act to Authorize the Establishment and Regulation of Dams for Sluicing Logs, Timber and Lumber.

SECTION 1. Duty of board of county commissioners.
2. When stream runs between two counties, either board of county commissioners may have full jurisdiction.
3. Licenses to be sealed with the seal of the board of county commissioners—period for which licenses may be granted.
4. How license to be applied for—how renewed.
5. Applicant to file bond, conditioned that he will construct and maintain such dam.
6. Board of county commissioners to establish rate of toll.
7. Proceedings against persons refusing to pay toll.
8. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The board of county commissioners of any county in this State, may grant a license to any person or persons applying therefor, to construct and maintain a dam across any stream, within their respective counties for the purpose of raising a head of water sufficient to sluice logs, timber or lumber, upon being satisfied that such sluice dam is necessary at the point applied for, and that the land on both sides of the stream is in the possession or under the control of the person or persons so applying for a license.

Duty of Board of County Commissioners

SEC. 2. In all cases, when the stream across which a license for a sluice dam is sought, runs between two counties, the board of county commissioners of either county shall have as full jurisdiction in the premises as though the stream was wholly within the county of which they are commissioners. And when the board of county commissioners of either county shall have exercised jurisdiction under this Act, and shall have granted a license thereunder, the county commissioners of no other county shall have any power to exercise any jurisdiction over the same.

When runs between two counties who to have jurisdiction

SEC. 3. All licenses granted under the provisions of this Act shall be sealed with the seal of the board of county commissioners and signed by them, attested by

Licenses to be sealed with the seal of the board

the county auditor and may be granted for a period not exceeding six years.

How license to be applied for—how renewed

SEC. 4. All persons intending to apply for a license shall give notice of their intention to apply for a license under this Act, at a certain point, by posting up at least three notices in public places at the seat of the county, and in the office of the surveyor general of logs of the district where the logs running from the place where such dam is proposed to be built, shall be required to be scaled, or if it is proposed to build said dam in an unorganized county, the said notices shall be posted up at the seat of the county to which the same may be attached for judicial purposes, and the said notices shall be given twenty days prior to such application; *Provided*, That when application shall be made for a renewal of a license, when the former license has expired, the same may be granted or renewed without previous notice.

To give bond—conditioned of

SEC. 5. The board being satisfied that for the general interest of those engaged in the lumbering business, a sluice dam is needed, and that the applicant is a suitable person to build and maintain it, shall grant the license, which however, shall not become valid until the applicant files a bond with sureties, to be approved by the board, in a penalty not less than one thousand dollars, with a condition that he will construct and maintain such dam, with all reasonable diligence and skill for the purpose of sluicing logs, timber and lumber, and to facilitate the driving of the same on such stream, and with such further special conditons, relating to the construction and operation of such dams as the case may require.

Who to establish rate of toll

SEC. 6. Whenever a board of county commissioners of any county shall grant a license to construct and maintain a sluice dam across any stream within their jurisdiction, the said board shall establish the rate of tolls, which may be demanded for the sluicage of logs, timber and lumber, *Provided*, That the tolls shall not exceed the sum of six cents per thousand feet so sluiced, *Provided*, That at the Snake River dam, in Pine county, the said toll shall be ten cents.

SEC. 7. All tolls chargeable under this Act, for sluicing logs, timber and lumber, shall be deemed due, and shall become payable as soon as said logs, timber or lumber shall have been sluiced, and for the payment of the said tolls, the proprietor or proprietors of the sluice

dam shall have a complete lien upon said logs, timber or lumber, until the said tolls shall have been paid. And when said tolls so due, for sluicing logs, timber or lumber, shall not be paid on demand by the owner or owners thereof, the proprietor or proprietors of the dam through which the same shall have been sluiced, are hereby authorized and empowered to take and sell a sufficient quantity of the logs, timber or lumber, at public auction to pay the tolls so due; *Provided*, That written or printed notices of the sale shall be posted up at the office of the surveyor general of logs and lumber of the district, and at the seat of the county in which said property shall have been seized.

Proceedings against persons refusing to pay toll

SEC. 8. This Act shall take effect and be in force from and after its passage.

Approved March 2d, A. D. 1861.

CHAPTER LI.

An Act to Amend An Act Entitled An Act to Regulate the Traffic in Logs and Lumber, Approved August Ninth, One Thousand Eight Hundred and Fifty-Eight, and to Repeal An Act Amendatory thereto, Approved January Fourteenth, One Thousand Eight Hundred and Sixty.

SECTION 1. Establishment of six surveying districts.
2. Boundaries of the districts.
3. Locations of the offices of Surveyor Generals.
4. Repeal of former acts.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one (1) of chapter one (1) of an act entitled "an act to regulate the traffic in logs and lumber," approved August ninth, one thousand eight hundred and fifty-eight, be amended to read as follows:

Establishment of six surveying districts

There shall be and there are hereby created six districts for the purpose of survey and measurement of logs, lumber and timbers within this State.

Boundaries of the districts

SEC. 2. That section two (2), chapter one (1), of said act be so amended as to read as follows:

The St. Croix Lake and River and their tributaries shall constitute the first district. The Mississippi River and its tributaries between the mouth of the St. Croix Lake and the mouth of Elk River, shall constitute the second district. The Mississippi River and its tributaries between the mouth of the St. Croix Lake and the outlet of Lake Pepin, shall constitute the third district. The Mississippi River and its tributaries above the mouth of Elk River shall constitute the fourth district. The Mississippi River and its tributaries below the outlet of Lake Pepin, shall constitute the fifth district. The Bay of Superior, Saint Louis Bay, Saint Louis River and their tributaries shall constitute the sixth district.

SEC. 3. That section four (4) of chapter one (1) of said act be amended so as to read as follows:

Offices—where located

The Surveyor General of the first district shall keep his office at the city of Stillwater; of the second district, at the Falls of St. Anthony; of the third district, at the city of Red Wing; of the fourth district, at Little Falls; of the fifth district, at the city of Wabashaw; of the sixth district, at Oneota.

Repeal of former acts

SEC. 4. An act to amend an act entitled "an act to regulate the traffic in logs and lumber," approved January fourteenth, one thousand eight hundred and sixty, is hereby repealed; *Provided, however*, that the repeal of said act shall not, nor shall any of the provisions of this Act affect the term of office of any surveyor or other officer heretofore elected for any of said districts, or affect such office, but such officers shall continue to exercise the duties of their respective offices to all intents and purposes as though this Act had not passed

SEC. 5. This Act shall take effect and be in force in thirty days from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER LII.

An Act to Prevent the Sale of Unripe Cranberries.

SECTION 1. Penalty for disposing of cranberries gathered between first of July and fifth of September.
2. What to be *prima facia* evidence.
3. Imprisonment in county jail for non-compliance with the provisions of section one of this Act.
4. Justices of the Peace to have jurisdiction in all cases arising under this Act.
5. Disposition of fines.
6. Duties of county officers in enforcing the provisions of this Act.
7. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

When cranberries not to be gathered

SECTION 1. Any person who shall at any time offer for sale, or in any other manner attempt to dispose of, or have in his or her possession, with intent to sell or dispose of, any cranberries gathered between the first of July and the fifth day of September, in any year, in any county in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding fifty dollars, nor less than ten dollars, with cost of suit.

What to be deemed evidence

SEC. 2. Possession of cranberries during the time the selling or disposing of them is prohibited, as provided in section one of this Act, shall be deemed *prima facia* evidence of the fact, of the person or persons having the same in his or her possession with intent to sell or dispose of the same contrary to the provisions of the preceding section.

Penalty for non-compliance with the provisions of this Act

SEC. 3. Any person who shall be convicted of the offence as provided in section one of this Act, shall stand committed to the county jail of the proper county until the whole of such fine, together with the costs of suit are paid.

Duty of justices of the peace

SEC. 4. Justices of the peace shall have jurisdiction, on complaint made on oath, to hear and determine all cases arising under this Act.

Disposition of fines

SEC. 5. All fines recovered under the provisions of this Act shall be paid into the county treasury, for the use of the public schools of said county.

Duties of county officers

SEC. 6. It is hereby made the duty of all justices of the peace, town supervisors, sheriffs and constables, to enforce the provisions of this Act, *Provided*, This Act shall not apply to persons gathering, picking, or raking cranberries on their own land.

SEC. 7. This Act shall take effect immediately.

Approved February 28th, A. D. 1861.

CHAPTER LIII.

An Act to Prevent Abuse in the Use of Intoxicating Drinks, by Placing Minors, Servants and Wards More Fully Under the Control of their Parents, Masters, and Guardians.

SECTION 1. Duty of parents and guardians—penalty for violation of the provisions of this Act.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for any parent, master or guardian having minors, minor servants or wards in charge, to give a distinct notice, verbal or written, to any tavern keeper, inn keeper, merchant, grocer, saloon keeper, distiller, brewer, or any other person having, or keeping intoxicating liquors, forbidding him or them from directly or indirectly furnishing such minors, minor servants or wards, so in charge, with intoxicating liquors, and if within one year after such notice, any one to whom such notice is given, shall furnish, directly or indirectly, or cause to be furnished, intoxicating liquors to such minors, minor servants or wards so in charge, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine, not less than ten dollars, nor more than fifty dollars, or undergo imprisonment in the county jail not less than ten nor more than fifty days for each and every offence.

Duty of parents and guardians—penalty for violation

Approved February 21st, A. D. 1861.

CHAPTER LIV.

An Act to Amend Chapter Forty-Seven (47) of the General Laws of Minnesota, for the Year One Thousand Eight Hundred and Sixty, Entitled "An Act to Prevent Abuses in Intoxicating Drinks."

Section 1. Members of families or overseers of poor may forbid liquor dealers selling to drunkard—penalty for violation.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That section one of chapter forty-seven (47) of the general laws of Minnesota, for the year one thousand eight hundred and sixty is hereby amended so as to read as follows:

Sec. 1. That it shall be lawful for any member of the family of an intemperate person or habitual drunkard, or any overseer of the poor, or any guardian or [of] such intemperate person or habitual drunkard, or any magistrate of the county in which such intemperate person or habitual drunkard may reside, or any person who may have been injured or annoyed by such intemperate person or habitual drunkard, when under the influence of liquor, to give a distinct notice, verbal or written, to any tavern keeper, inn keeper, merchant, grocer, distiller, brewer, or other person, manufacturing, having, or selling intoxicating liquors, forbidding him or them from directly or indirectly furnishing such intemperate person or habitual brunkard with intoxicating drinks or liquors, and if within six months after such notice, any one to whom such notice is given, shall furnish directly or indirectly, or cause to be furnished, intoxicating liquors to such intemperate person or habitual drunkard, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than ten (10) dollars nor more than fifty dollars, or undergo imprisonment in the county jail not less than ten nor more than fifty days.

Who may prohibit the sale of liquor to drunkard—penalty for violation

Approved March 8th, A. D. 1861.

CHAPTER LV.

An Act for the Preservation of Elk, Deer, Birds and Fish.

SECTION 1. Penalty for killing elk, deer, or fawn—time when.
2. Penalty for killing or having in possession any woodcock, prairie fowl, partridge or quail—time when.
3. Penalty for killing, caging, or trapping any harmless bird excepting aquatic fowl and wild pigeons.
4. Penalty for catching or having in possession speckled trout—time when.
5. Speckled trout, how to be caught—penalty for violation.
6. Before whom tried—disposition of fines collected under the provisions of this Act.
7. Duty of town superintendnt of schools and constables.
8. Repeal of former acts.
9. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Penalty for killing elk, deer or fawn—time when

SECTION 1. That if any person or persons shall kill or pursue with intent to kill, any elk, deer or fawn, between the first day of February and the first day of September in each year, or shall expose for sale or have in his, her or their possession any green elk, deer or fawn skin, or fresh venison at any time between the fifteenth day of February and the first day of September, such person shall, upon conviction thereof, be fined in the sum of fifteen dollars for each elk, deer or fawn so killed, or for each green elk, deer or fawn skin, or fresh venison so exposed for sale or had in possession.

Penalty for killing any woodcock, prairie fowl, partridge or quail—time when

SEC. 2. That if any person shall kill, or have in his or her possession, or expose for sale within the State of Minnesota, any woodcock between the first day of January and the fourth day of July in any year; or any prairie fowl or pennated grouse between the fifteenth day of February and the first day of August; or any partridge or ruffled grouse between the fifteenth day of January and the first day of September; or any quail at any season of the year from and after the passage of this Act until the first day of September in the year one thousand eight hundred and sixty-four, and in the years succeeding said last mentioned time, between the first day of January and the first day of September; such person

shall, upon conviction thereof, be fined in the sum of two dollars for each and every of said birds so killed or had in possession.

Penalty for killing, caging or trapping any harmless bird excepting aquatic fowl and wild pigeons

SEC. 3. That if any person or persons shall at any time within this State, kill, cage or trap any nightingale, whipporwill, night hawk, blue bird, finch, thrush, lark, linnet, sparrow, wren, martin, swallow, bobolink, robbin, turtle dove, cat bird, or any other harmless bird not elsewhere herein mentioned, excepting aquatic fowl of every species and wild pigeons; such person or persons shall, upon conviction thereof, be fined in the sum of one dollar for each and every of said birds so killed, caged or trapped, and the person so fined shall stand committed to the common jail of the county wherein the offence was committed until such fine be paid.

Penalty for catching or having in possession speckled trout—time when

SEC. 4. That if any person or persons shall catch or have in his, her or their possession, or expose for sale within the State of Minnesota, any speckled trout or speckled river trout between the first day of September and the first day of March following, such person or persons shall, upon conviction thereof, be fined in the sum of one dollar for each and every fish so taken or had in possession.

Trout, how to be caught—penalty for violation

SEC. 5. If any person or persons shall take any speckled brook or river trout in any of the waters of this State at any time, save with a hook and line, such person or persons shall, upon conviction thereof, be fined in the sum of fifty cents for each fish so taken.

Before whom tried—disposition of fines

SEC. 6. That all prosecutions under the provisions of this Act shall be commenced within one year from the time such offence shall have been committed and not afterward, and the same shall be upon complaint under oath before any justice of the peace, in the county where the offence shall have been committed; and all fines imposed and collected under this Act shall be paid into the county treasury of the county where such conviction shall take place, for the use of common schools within such county.

Duty of town superintendent of schools and constables

SEC. 7. It shall be and is hereby made the duty of the town superintendent of schools, sheriff and constable having knowledge of any violation of the provisions of this Act, to make complaint thereof to a justice of the peace of the proper county, and any other person having such knowledge may make complaint before such justice

of the peace, and the said justice shall issue his warrant for the arrest of the offender, and proceed to hear and determine the matter in issue in the same manner as provided in other cases.

Repeal of former acts

SEC. 8. Chapter one hundred and thirty of the compiled statutes of Minnesota, passed March eighth, one thousand eight hundred and fifty-eight, and July thirtieth, one thousand eight hundred and fifty-eight, and all other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall take effect from and after the first day of March, one thousand eight hundred and sixty-one.

Approved February 11th, A. D. 1861.

CHAPTER LVI.

An Act for the Protection and Improvement of Sheep.

SECTION 1. Penalty for allowing buck to run at large—time when.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Penalty for allowing buck to run at large—time when

SECTION 1. That if the owner of any buck shall allow the same to run at large between the first day of July and the first day of December of any year, he shall forfeit and pay the sum of ten dollars and costs of suit for each offence, to be recovered before any justice of the peace in the county where said owner shall reside, and said amount so recovered, shall be paid by the Justice to the county treasurer for the benefit of common schools.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER LVII.

An Act in Relation to Orphan Children.

SECTION 1. Duty of Trustees of any home or asylum.
2. In case of neglect of a father to provide for his family, who to be deemed the legal guardian of his children.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall and may be lawful for the trustees of any incorporated home or asylum for orphan children, when a child shall have been surrendered to the charge and direction of the said trustees, by an instrument in writing signed by the parent or guardian of such child, in their discretion to bind out such child to some suitable employment, in the same manner as overseers of the poor are by law authorized to bind out poor and indigent children; but proper provisions shall in every case be made and inserted in the indentures, by which such child shall be bound to service, for securing an education proper and fitting for the condition and circumstances in life of such child. Duty of Trustees of any home or asylum

SEC. 2. In case of death or legal incapacity of a father, or his abandoning or neglecting to provide for his family, the mother shall be deemed the legal guardian of her children, for the purpose of making a surrender of them to the charge and custody of the trustees of the said corporation; and in all cases where it is not known that there is within the State any person legally authorized to act in the premises, the mayor of the city of Saint Paul shall, *ex officio*, be the legal guardian for the like purpose, in behalf of any children received into the incorporated orphans' home or asylums now existing in the county of Ramsey, and such guardianship shall extend as well to children already in the said asylum, as to those who may hereafter be offered for admission or received therein; and in either case, whether such surrender be made by the mother or by the mayor of the said city, or whether before or after admission into the said asylum, In case of neglect of father, who to be deemed guardian of his children

it shall be deemed a legal surrender for the purposes, and within the true intent and meaning of the foregoing section.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER LVIII.

An Act Entitled an Act to Appropriate Money for the Support of the State Government for the Year Eighteen Hundred and Sixty-One, and for other Purposes therein named.

SECTION 1. Appropriations for salaries of State officers and other expenses of Government for the year 1861.

1.	Salary of Governor,	$ 1,500 00
2.	" " Secretary of State,	1,200 00
3.	" " Auditor of State,	1,000 00
4.	" " Treasurer of State,	1,000 00
5.	" " Attorney General,	1,000 00
6.	" " State Librarian,	600 00
7.	" " Clerk of the Supreme Court,	600 00
8.	" " Supreme Court Reporter,	400 00
9.	" " Judges of Supreme and District Courts,	18,000 00
10.	" " Commissioner of Statistics for 1860,	1,000 00
11.	" " " " " " 1861,	1,000 00
12.	" " Superintendent of Public Instruction,	1,000 00
13.	" " Adjutant General,	200 00
14.	" " Private Secretary of Governor,	400 00
15.	Clerk hire in Auditor's office,	1,000 00
16.	Clerk hire in office of Secretary of State	600 00
17.	Clerk hire in office of Treasurer of State,	600 00
18.	Clerk hire in office of Attorney General,	100 00
19.	Salary of Register and Receiver of School Land Department,	250 00
20.	For postage, stationery and other incidental expenses connected with the Governor's office.	250 00
21.	For Executive contingent fund.	1,000 00
22.	" " " " to defray expenses of prosecution of offenders by the Attorney General,	300 00
23.	For incidental expenses of Secretary of State,	200 00
24.	" " " " Auditor of State,	200 00
25.	" " " " Treasurer of State,	200 00
26.	" " " " Attorney General,	75 00
27.	" " " " Supreme Court,	200 00
28.	" " " " State Librarian,	75 00

29.	For publishing report of Commissioner of Statistics, and other necessary expenses,	1,500 00
30.	For incidental expenses of Adjutant General,	50 00
31.	For contingent fund for Superintendent of Public Instruction,	300 00
32.	For fuel and lights for both houses of the Legislature,	700 00
33.	To aid in distribution of the laws of the present session,	200 00
34.	To pay express charges on blank bank notes,	120 00
35.	For purchase of fifty copies of volume three of Supreme Court reports,	200 00
36.	For purchase of one hundred and fifty copies of volume four of Supreme Court reports,	600 00
37.	Expenses of sheriffs in carrying convicts to state prison for 1861,	600 00
38.	Per diem and mileage of county treasurers,	600 00
39.	Newspapers furnished to members of the Legislature,	1,040 00
40.	For printing etc., for state officers, school and banking departments,	600 00
41.	For publishing laws in a newspaper,	500 00
42.	Wm. R. Marshall for printing and binding 800 copies of the journals of both houses, also, 5000 copies of laws,	8,000 00
43.	Expenses of state prison for the year 1861,	5,350 00
44.	Payment of expenses of joint committee to state prison,	65 00
45.	Publishing Governor's message in Swedish and Norwegian,	345 00
46.	For cleaning and repairing state arms,	300 00
47.	For rent of suitable room for state arsenal,	300 00
48.	N. C. Connor, money expended in recovering state arms,	85 00
49.	For construction of book cases and shelves in state library,	125 00
50.	For painting wood work outside of capitol,	200 00
51.	B. E. Hale & Sons for envelope plates and envelopes,	240 00
52.	Branch & DeGraw for building storm door,	35 28
53.	To John Funke balance due for building cannon house,	45 00
54.	Wm. R. Wood for making an estimate of swamp lands,	225 00
55.	Owen Dowd, services as janitor,	45 00
56.	Salary of Janitor from February 15th to December 31st, 1861.	262 50
57.	For transportation of specimens of copper and other minerals from Lake Superior,	100 00
58.	Strong & Wylie for hunting,	70 00
59.	J. Charles & Co., iron work on flag staff,	26 00
60.	Irvine & Eaton, making and erecting flag staff,	75 00
61.	George L. Van Solen for locks, keys, etc., for House of Representatives,	3 80
62.	Strong & Wylie, carpet and damask for legislative halls,	168 48
63.	Z. E. B. Nash cleaning and painting legislative halls,	338 60
64.	J. A. M. Hoisington, record of county officers,	20 00
65.	Minnesotian Printing Company, printing State Treasurer's report,	73 50
66.	William H. English, unpaid interest on Territorial bonds,	640 00
67.	Charles Scheffer, overpaid interest on Territorial bonds,	305 29
68.	F. N. Gaultier, powder and flannel and firing cannon,	10 40
69.	B. Presley for one half keg powder,	4 00
70.	George W. Turnbull, carrying convict to state prison,	27 00
71.	C. H. Schurmeier, fire wood,	37 00
72.	Owen Dowd, sawing wood,	5 00
73.	Attorney General Cole, per diem and mileage for attendance upon court during year 1860,	206 50
74.	J. A. M. Hoisington, binding manuscript laws for 1859,	10 00
75.	C. C. Miles, repairing Senate Hall in 1859,	26 45
76.	Captain Starkey and troops for services in the Sunrise expedition,	1,111 77
77.	For payment of purchase money of the rights and franchises of the several rail road companies of this State,	4,000 00
78.	The sums appropriated in foregoing section are subject to the payment of the expenses of the sale of the roads of the several companies.	
79.	Building cellar at the state prison,	140 00
80.	Legislative expenses,	6,000 00
81.	Newspapers containing Governor's message,	225 00
82.	State Normal School,	1,500 00
83.	Binding newspapers in the library,	40 00
84.	Minnesota Telegraph Company,	9 60
85.	O. Brown, printing commissions and envelopes,	12 25

86. Press Printing Company, printing extra copies Governor's message, - - - - - - 26 00
87. J. A. Wheelock, clerk of State Board of Equalization, 50 00
88. E. D. Neill, Chancellor of State University and Superintendent of Public Instruction. - - - 1,500 00
89. No officer shall charge any fee in addition to salary for services rendered, except when expressly authorized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That for the salaries of the state officers, and for the expenditures generally in support of the state government for the year eighteen hundred and sixty-one, the following sums of money out of funds not otherwise appropriated, and for other purposes, or so much thereof as may be necessary, shall be and the same are hereby appropriated, that is to say:

Salaries of state officers

First. For the salary of the Governor, fifteen hundred dollars (1,500).

Second. For the salary of the Secretary of the State, twelve hundred dollars (1,200).

Third. For the salary of the Auditor of State, one thousand dollars (,000).

Fourth. For the salary of the Treasurer of State, one thousand dollars (1,000).

Fifth. For the salary of the Attorney General, one thousand dollars (1,000).

Sixth. For the salary of the State Librarian, six hundred dollars (600).

Seventh. For the salary of the Clerk of the Supreme Court, six hundred dollars (600).

Eighth. For the salary of the Supreme Court Reporter, the sum of four hundred dollars (400).

Ninth. For the salaries of the Judges of the Supreme and District Courts, eighteen thousand dollars (18,000).

Tenth. For the salary of the Commissioner of Statistics for the year eighteen hundred and sixty, one thousand dollars (1,000).

Eleventh. For the salary of the Commissioner of Statistics for the year eighteen hundred and sixty-one, one thousand dollars (1,000).

Twelfth. For the salary of the Superintendent of Public Instruction, one thousand dollars (1,000).

Thirteenth. For the salary of the Adjutant General, two hundred dollars (200).

Fourteenth. For the salary of the Private Secretary of the Governor, four hundred dollars (400).

Fifteenth. For clerk hire in the Auditor's office, one thousand dollars (1,000).

Sixteenth. For the clerk's hire in the office of the Secretary of State, six hundred dollars (600).

Seventeenth. For clerk hire in the office of the Treasurer of State, six hundred dollars (600).

Eighteenth. For clerk hire in the office of Attorney General, one hundred dollars (100).

Nineteenth. For salary of Register and Receiver of the School Land Department; for Receiver, and for Register, two hundred and fifty dollars.

All of which salaries and sums for clerk hire shall be paid upon the certificate of the several executive officers in whose department such service is rendered.

Twentieth. For postage, stationery and other incidensal expenses in the Governor's office, two hundred and fifty dollars (250). Contingent funds for state officers

Twenty-first. For an executive contingent fund for state purposes only, one thousand dollars (1,000).

Twenty-second. For an executive contingent fund to defray expenses of prosecution of offenders by the Attorney General for the year eighteen hundred and sixty-one, three hundred dollars (300).

Twenty-third. For postage, stationery and other incidental expenses in the office of the Secretary of State, two hundred dollars (200).

Twenty-fourth. For postage, stationery, and other incidental expenses in the office of the Auditor of State, two hundred dollars (200).

Twenty-fifth. For postage, stationery and other incidental expenses in the office of the Treasurer of State, two hundred dollars (200).

Twenty-sixth. For postage, stationery and other incidental expenses in the office of the Attorney General, seventy-five dollars (75).

Twenty-seventh. For postage, stationery and other incidental expenses of the Supreme Court, two hundred dollars (200).

Twenty-eighth. For postage, express charges, stationery and other incidental expenses in the State Library, seventy-five dollars (75).

Twenty-ninth. For printing and distributing the annual reports, for postage, stationery, clerk hire, maps, books, scientific contributions, and other necessary ex-

penses of the Commissioner of Statistics, for the year eighteen hundred and sixty-one, fifteen hundred dollars (1,500).

Contingent fund for state officers

Thirtieth. For the postage and stationery and other incidental expenses in the Adjutant General's office, fifty dollars (50).

Thirty-first. For a contingent fund for the Superintendent of Public Instruction, three hundred dollars (300).

For fuel and lights

Thirty-second. For fuel and lights for both houses of the legislature, and for the several state offices, seven hundred dollars (700).

To aid in distributing the laws

Thirty-third. To aid and facilitate in the distribution of the laws of the present session of the legislature, two hundred dollars (200), to be paid upon the certificate of the Secretary of State.

To pay express charges

Thirty-fourth. To pay express charges on blank bank notes at the express office, the sum of one hundred and twenty dollars, the same to be apportioned among the several banks and collected by the State Auditor before such banks shall be permitted to use said bills.

To purchase Supreme Court Reports

Thirty-fifth. For the purchase of fifty copies of volume three (3) of the reports of the Supreme Court, two hundred dollars (200).

Thirty-sixth. For the purchase of one hundred and fifty (150) copies of volume four (4) of the reports of the Supreme Court, six hundred dollars (600).

For expenses in carrying convicts to state prison

Thirty-seventh. For expenses of sheriffs in carrying convicts to state prison, during the year eighteen hundred and sixty-one, six hundred dollars (600).

Mileage and per diem of county treasurers

Thirty-eighth. For mileage and per diem of the county treasurers, coming to and returning from the State capitol to pay over the State tax for the year eigteen hundred and sixty, six hundred dollars (600).

For newspapers furnished members of legislature

Thirty-ninth. For newspapers furnished members of the present legislature, one thousand and forty dollars (1,040), to be paid upon the certificate of the Secretary of State.

For printing, etc. for state officers

Fortieth. For the printing, binding and advertising for the State officers, school and banking departments for the year eighteen hundred and sixty-one, six hundred dollars (600).

Publication of laws in a newspaper

Forty first. For the publication of the laws in a newspaper, five hundred dollars (500).

Forty-second. To William R. Marshall for printing and binding three hundred copies of each of the journals of the Senate and House of Representatives and the accompanying documents, and for printing and binding five thousand copies of the laws of the present session, eight thousand dollars (8,000); *Provided*, That such sum as may be necessary, shall be appropriated out of the above sum, to defray the expense of preparing the journals for the printer and indexing the same. Printing journals and laws

Forty-third. For expenses of the state prison for the year eighteen hundred and sixty-one:

For the salary of warden, seven hundred and fifty dollars (750).

For the salary of five guards, one thousand dollars (1,000).

For the board of inspectors, one hundred dollars (100).

For chaplains, seventy-five dollars (75). Salaries of state prison officers

For medical attendance, one hundred and fifty dollars (150).

For additional clothing, bedding, lights, incidental expenses and necessary repairs about prison, six hundred dollars (600).

For purchase of library for prison, one hundred dollars (100).

For enlargement of the wing of the state prison, twenty-five hundred dollars (2,500).

For building a new guard house and the removal of the present guard house at the State prison, seventy five dollars (75).

The above items to be paid quarterly upon the certificates of the warden and inspectors.

Forty-fourth. For the payment of expenses of joint committee to state prison, sixty-five dollars (65). Joint committee to state prison

Forty-fifth. For publishing Governor's message in Swedish and Norwegian languages, three hundred and forty-five dollars (345). Publishing governor's message in foreign languages

Forty-sixth. For cleaning and repairing state arms in capitol building, three hundred dollars (300). Cleaning state arms

Forty-seventh. For the rent of a suitable room for state arsenal, three hundred dollars (300). Rent of state arsenal

Forty-eighth. To Col. N. C. Connor, Marshall, for moneys expended by him in recovering state arms, thirty-five dollars, (35), and for his services fifty dollars (50). Recovering state arms

Items, number 46, 47 shall be paid upon the certificate of the Governor.

Book case and shelves

Forty-ninth. For construction of book cases and shelves in state library, one hundred and twenty-five dollars (125).

Painting capitol

Fiftieth. For painting the wood work of outside of capitol, two hundred dollars (200), payable upon the certificate of the Governor.

Envelope plates and envelopes

Fifty-first. To B. E. Hale & Sons, for envelope plates and eighteen thousand envelopes for departments of state, two hundred and forty dollars (240).

Building storm door at capitol

Fifty-second. To Branch & DeGraw for building storm door at capitol, thirty five dollars and twenty eight cents (35 28).

Building cannon house

Fifty-third. To John Funke, balance due for building cannon house, forty-five dollars (45).

For estimate of swamp lands

Fifty-fourth. To William R. Wood, for making an estimate of the swamp lands in the surveyed portion of the State, from the plats and notes in Surveyor General's office, two hundred and twenty-five dollars (225), to be paid upon the certificate of the Governor.

Janitor's salary

Fifty-fifth. To Owen Dowd, services as janitor, from January 1st, 1861, to February 14th, 1861, forty-five dollars (45).

Fifty-sixth. For the salary of janitor from February 15th, 1861, to December 31st, 1861, two hundred and sixty-two dollars and fifty cents (262 50).

Transportations of copper and other minerals

Fifty-seventh. For the transportation of specimens of copper and other minerals from the North shore of Lake Superior, one hundred dollars (100).

Bunting and making flag

Fifty-eighth. To Strong & Wylie for bunting for flag, and making, seventy dollars (70).

Iron work on flag staff

Fifty-ninth. To J. Charles & Co. for iron work on flag staff, twenty-six dollars (26).

Making flag staff

Sixtieth. To Irvine & Eaton for making and erecting flag staff and for lumber and other materials furnished, seventy-five dollars (75).

Locks, keys, etc.

Sixty-first. To George L. Van Solon for locks, keys, etc., for House of Representatives, three dollars and thirty cents (330).

Carpet and damask

Sixty-second. To Strong & Wylie, for carpet and damask for legislative halls, one hundred and sixty-eight dollars and forty-eight cents (168 48).

Sixty-third. To Z. E. B. Nash for cleaning and paint-

ing legislative halls, repairing furniture and sundry articles furnished, three hundred and thirty-eight dollars and sixty cents (338 60). Cleaning and painting legislative halls

Sixty-fourth. To J. A. M. Hoisington for record of county officers, twenty dollars (20). Record of county officers

Sixty-fifth. To Minnesotian Printing Company, for printing State Treasurer's report in the Minnesotian, seventy three dollars and fifty cents(73 50). Printing State Treasurer's report

Sixty-sixth. To William H. English for unpaid interest on territorial bonds, six hundred and forty dollars (640). Unpaid interest on territorial bonds

Sixty-seventh. To Charles Scheffer, State Treasurer, for overpaid interest on territorial bonds, three hundred and five dollars and twenty-nine cents (305 29). Overpaid interest on territorial bonds

Sixty-eighth. To F. N. Gaultier for powder and flannel, and for firing cannon, ten dollars and forty cents (10 40). Powder and flannel and firing cannon

Sixty-ninth. To B. Presley, for one half keg powder, four dollars (4). Half a keg of powder

Seventieth. To George W. Turnbull, for carrying convict to state prison, twenty-seven dollars (27). Conveying convicts to state prison

Seventy-first. To C. H. Schurmeier, for fire wood furnished, thirty-seven dollars (37). Fire wood

Seventy-second. To Owen Dowd, for sawing wood, five dollars (5). Sawing wood

Seventy-third. To Attorney General Cole for payment of fees, mileage and per diem for attendance upon court during the year 1860, two hundred and six dollars and fifty cents (206 50) Fees and mileage

Seventy fourth. To J. A. M. Hoisington, for binding the manuscript laws of eighteen hundred and fifty-nine and eighteen hundred and sixty, ten dollars (10). Binding manuscript laws

Seventy-fifth. To C. C. Miles, for repairing in senate hall in the year eighteen hundred and fifty-nine, twenty-six dollars and forty-five cents (26 45). Repairing senate hall

Seventy-sixth. To Captain James Starkey and troops, eleven hundred and eleven dollars and seventy-seven cents (1111 77), out of any moneys in the treasury not otherwise appropriated, for the payment of the expenses of the so-called Sunrise expedition, payable upon the receipt by the State Treasurer of the amount audited and allowed by the General Government in payment of the expenses of said expedition. Expenses of expedition to Sunrise

Seventy-seventh. For the payment of the purchase

Payment of the purchase money of the several railroads of this State

money of the rights and franchises of the Minnesota and Pacific Railroad Company, one thousand dollars, and a like sum for the payment of the purchase money of the rights and franchises of each of the companies known as the Transit, Minneapolis and Cedar Valley, and Southern Minnesota railroad companies.

Appropriations subject to the payment of the expenses of the sale

Seventy-eighth. Each of the sums appropriated in the foregoing section are subject to the payment of the expenses of the sale of the rights and franchises of the respective companies aforesaid. And the Auditor shall transfer from each sum and put to the credit of the executive contingent fund for eighteen hundred and sixty, such amount as has been hitherto paid of such expenses from such fund.

Building cellar at state prison

Seventy-ninth. For building cellar at the state prison, during the year eighteen hundred and sixty, one hundred and forty dollars (140).

Legislative expenses for 1861

Eightieth. For legislative expenses for the year eighteen hundred and sixty-one, six thousand dollars (6,000).

Newspapers containing Governor's message

Eighty-first. For newspapers containing Governor's message for the use of the legislature, two hundred and twenty-five dollars (225).

State Normal School

Eighty-second. For the State Normal School at Winona, one thousand five hundred dollars (1,500).

Binding newspapers

Eighty-third. For binding newspapers in the library, forty dollars (40).

Minnesota Telegraph Company

Eighty-fourth. To Minnesota Telegraph Company, for telegraph dispatches for the Governor, nine dollars and sixty cents (9 60).

Printing commissions and envelopes

Eighty-fifth. To O. Brown for printing commissions and envelopes, by order of Adjutant General Acker, twelve dollars and twenty-five cents (12 25).

Printing extra copies Governors message

Eighty-sixth. To the Press Printing Company, for printing extra copies of Governor's message, on the order of the Governor, twenty-six dollars (26).

Clerk state board of equalization

Eighty-seventh. To J. A. Wheelock, as clerk of the State board of equalization, fifty dollars (50).

Chancellor of the state university

Eighty-eighth. To E. D. Neill, in full for services heretofore rendered the State as Chancellor of the State University and Superintendent of Public Instruction, and for moneys expended by him up to the first day of January, eighteen hundred and sixty-one, the sum of fifteen hundred dollars (1,500.)

Eighty-ninth. No officer whose salary is in this Act

provided for, shall charge any person any fee in addition to said salary for services rendered in his official capacity, except in case where such fee is expressly authorized by law; no part of the sum so appropriated shall be used for any purpose other than for the payment of expenses and disbursements actually incurred and paid.

No officer to charge fee in addition to his salary, etc

Approved March 8th, A. D. 1861.

CHAPTER LIX.

An Act to Provide for the Interest on the Loan of Two Hundred and Fifty Thousand Dollars, due July first, One Thousand Eight Hundred and Sixty-One, and January first, One Thousand Eight Hundred and Sixty-Two.

SECTION 1. Appropriation for paying interest falling due on the first day of July, 1861.
2. Appropriation for paying interest falling due on the first day of January, 1862.
3. State Auditor authorised to draw warrants on State Treasurer—in what sums.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of eleven thousand ($11,000) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the first moneys in the treasury for the payment of the interest and exchange on New York, falling due on the first day of July, eighteen hundred and sixty-one, on the eight per cent. loan of the State of Minnesota, of two hundred and fifty thousand ($250,000) dollars.

To pay interest falling due on the first day of July, 1861

SEC. 2 That the sum of eleven thousand ($11,000) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the first moneys in the treasury, for the payment of interest and exchange on said bonds in New York, falling due on the first day of January, eighteen hundred and sixty-two.

To pay interest falling due on the first day of January, 1862

State Auditor authorized to draw warrants on State Treasurer—in what sums

SEC. 3. That for the purpose of making more certain provision for the payment of the interest aforesaid, the Auditor of State is hereby authorized and directed to draw his warrants on the State Treasurer in sums not exceeding one thousand one hundred ($1,100) dollars each, or so much thereof as may be necessary, in favor of such party or parties as he may determine, and deliver the same so drawn to the State Treasurer, who is hereby authorized and required to certify the same as payable out of the first funds in the treasury (save and except such as were set aside by an act entitled "an act to provide for the interest on the loan of two hundred and fifty thousand dollars, due July first, one thousand eight hundred and sixty, and January first, one thousand eight hundred and sixty-one, approved March fifteenth, one thousand eight hundred and sixty,) from taxes or otherwise, with interest from the day the interest upon said loan becomes due, at eight per cent. per annum until paid, which amount of interest is hereby appropriated, and the State Treasurer is hereby required by and with the advice and consent of the Governor, to dispose of the said warrants at the highest possible rate, to pay and meet the amount of the coupons, falling due on the first day of July, eighteen hundred and sixty-one, and the first day of January, eighteen hundred and sixty-two, on the Minnesota State Bonds, comprising the two hundred and fifty thousand ($250,000) dollar loan, and the State Treasurer shall be and hereby is authorized and required to retain all moneys that shall come into the State Treasury (with the exception above mentioned,) and apply the same to the payment of the interest money herewith appropriated, and he shall pay said warrants as often as an amount sufficient to meet and cancel any one of said warrants shall accumulate until said warrants and interest are all paid and cancelled.

SEC. 4. This Act shall take effect on and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER LX.

An Act making Appropriations for the Per Diem and Mileage of the Members and Officers of the Legislature for the year One Thousand Eight Hundred and Sixty-One, and for other Purposes.

SECTION 1. Appropriation for paying the per diem of members and officers of the present session of the Legislature.
2. Appropriation for paying salaries of Warden, Guards, Chaplain and other incidental expenses of State Prison—salary of Adjutant General.
3. Appropriation to pay for volume three (3) of Supreme Court Reports.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of twelve thousand dollars be and the same is hereby appropriated, out of any money in the treasury, not otherwise appropriated, to pay the per diem, mileage and stationery of the members, and the per diem and stationery of the officers of the present legislature. Per diem of members and officers of the legislature

SEC. 2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for the following purposes, out of any money in the State Treasury, not otherwise appropriated, to wit: Salaries of officers of state prison

First. For the salary of the Warden of the Penitentiary, for the year 1860, eight hundred and forty-two dollars and ninety-six cents (842.96).

Second. For the unpaid balance due for salaries of Guards to the Penitentiary, for the year 1860, fifty-three dollars and eighty-eight cents ($53.88).

Third. For the unpaid balance due for salary of the Chaplain to the Penitentiary, for the year 1860, six dollars ($6).

Fourth. For the payment of the unpaid incidental expenses of the Penitentiary, for the year 1860, seven hundred dollars ($700).

Fifth. For the payment of William H. Acker, his salary as Adjutant and Acting Quarter Master General for the year 1860, the sum of two hundred dollars ($200). Salary of Adjutant General

SEC. 3. That the sum of four hundred dollars be, and

To pay for third volume Supreme Court reports

the same is hereby appropriated, to pay for one hundred copies of volume three of the Supreme Court Reports for the year one thousand eight hundred and fifty-nine.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved January 22d, A. D. 1861.

CHAPTER LXI.

An Act Relative to certain Unexpended Balances of Appropriation for Printing for 1860.

SECTION 1. Disposition of unexpended balance of appropriation for printing for the year 1860.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The State Auditor is hereby directed to draw his warrant for one thousand nine hundred and thirty-nine dollars and eighty-five cents ($1,939 85) in favor of Newson & Moore against the unexpended balances of appropriations for printing the laws in pamphlet form, the publication of the laws in newspaper, and the incidental printing of the legislature for 1860, or so much thereof as may be necessary to pay the aforesaid sum of one thousand nine hundred and thirty-nine dollars and eighty-five cents ($1,939 85) and take their receipt in full for the balance claimed by them for printing and binding the journals of the senate and house of representatives for 1860.

Disposition of unexpended balance of appropriation for printing for the year 1860

SEC. 2. This Act shall take effect from and after its passage.

Approved February 21st, A. D. 1861.

CHAPTER LXII.

An Act making an Appropriation for the Purposes therein named.

SECTION 1. Appropriation to pay S. M. Flint for services rendered in 1858.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The sum of twenty-seven dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay S. M. Flint for services rendered the State at the request of the Hon. Aaron Goodrich, commissioner, in reading proof of the report on pleadings and practice, and comparing a revision to the general laws of the State in the year eighteen hundred and fifty-eight. To pay S. M. Flint, for services rendered

SEC. 2. This Act shall take effect from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER LXIII.

An Act making an Appropriation for the Incidental Printing.

SECTION 1. Appropriation for the incidental printing for present session of the Legislature.
2. Duty of State Auditor.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That there be and is hereby appropriated to William R. Marshall, in payment to him for executing

To pay incidental printing present session

the incidental printing, binding, and publication of the laws in the Saint Paul Press, for the present session of the Legislature, the sum of five thousand dollars, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated.

SEC. 2. It is hereby made the duty of the Auditor of State to audit all bills for said printing, binding and publication, as the same or any portion thereof may be completed and delivered, at the prices provided for in the contract made by the committee on printing of the senate and house of representatives with said William R. Marshall, and to draw his warrant upon the Treasurer of State for the payment of the same.

Duty of State Auditor

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved January 31st, A. D. 1861.

CHAPTER LXIV.

An Act making Appropriations for Expenses of Andrew Nessel and J. P. Kidder in Contested Election Cases.

SECTION 1. Appropriation for reimbursing Andrew Nessel and J. P. Kidder in contested election case.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following sums of money be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated:

For contested election

First, To Andrew Nessel for the purpose of reimbursing said Nessel, moneys by him expended in paying justices, witnesses, and other officers in the case of Nessel *vs.* Kidder, fifty dollars ($50).

Second, To J. P. Kidder, for the purpose of reimbursing said Kidder, moneys by him expended in paying justices, witnesses, and other officers in the case of Nessel *vs.* Kidder, fifty dollars ($50).

SEC. 2. This Act shall take effect from and after its passage.

Approved January 31st, A. D. 1861.

CHAPTER LXV.

An Act to Donate Swamp Lands in the County of McLeod, to the Agricultural College of the State of Minnesota.

SECTION 1. All swamp lands within the present boundaries of McLeod county donated to the Agricultural College of the State.
2. Duty of Governor in the disposition of swamp lands—sale of lands where to be held.
3. Disposition of funds arising from sale of swamp lands.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all the swamp lands now owned by or which hereafter may be owned by or come into the possession of this State within the present boundaries of the county of McLeod, be, and the same are hereby donated to the agricultural college of the State of Minnesota. Donation of swamp lands

SEC. 2. That whenever the president and executive committee of the state agricultural society shall recommend in writing to the Governor that a sale of all or a part of said swamp lands is necessary, then the Governor shall, after having given three month's notice in at least three newspapers in this State of the time and place of sale, sell or cause to be sold and convey the same to the purchaser or purchasers thereof, all or part of said lands, upon such terms and conditions as the president and executive committee of the state agricultural society may direct, providing that the place of sale shall be in the county of McLeod. Duty of Governor

SEC. 3. That all moneys arising from the sale of said

Disposition of funds arising from sale of lands

swamp lands shall be deposited in the office of the state treasurer, and subject to the call of the President and executive committee of the state agricultural society, and drawn and expended in such manner as they may direct, provided that none of said moneys shall be expended or appropriated for any other purpose than the erection of buildings or the endowment of professorships of said agricultural college.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12th, A. D. 1861.

SPECIAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE THIRD SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE, AND TERMINATING MARCH EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

An Act to Amend an Act Entitled an Act to Incorporate the Nebraska and Lake Superior Railroad Company.

SECTION 1. Board of incorporators—corporate rights granted by this Act.
2. Powers of incorporation.
3. Capital stock of said corporation.
4. Who authorized to open books to receive subscriptions—how and when to be opened—to choose directors, manner of.
5. Board of directors may assess an installment on stock subscribed when deemed proper—make rules and regulations touching the business of said company.
6. Right of company to construct railroad across any public or private road, highway, etc.
7. Company may appropriate land to its own use—not to exceed, how much.
8. Compensation to owners of land—value, how determined—court to appoint commissioners—oath—powers of commissioners.
9. Corporation to have power to consolidate its capital stock with any other company.
10. Authorized to borrow money to be expended in the completion of the road.
11. Title in fee simple.
12. To have power to enter upon and pass over the railroad of any other company.
13. Said company shall transport mail, freight, passengers, etc.
14. Penalty for placing obstructions, or in any way injuring said railroad.
15. Every person employed by said road shall wear a badge indicating his specific station.
16. Every engine shall be furnished with an alarm bell—for what purpose.
17. Act declared to be a public act.
18. When company to own swamp lands through which said road passes.
19. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the act of the territorial legislature of Minnesota, entitled an act to incorporate "The Ne-

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Board of incorporators—corporate rights granted by this Act

braska and Lake Superior railroad company," approved May 23d, 1857, be and the same is hereby amended and continued, so that it shall read as follows: That Lyman Dayton, John McKusick, Henry A. Swift, Richard Chute, Dwight Woodbury, C. T. Stearns, Thomas Clark, Levi Butler, Sidney Luce, E. O. Hamlin, A. F. Hawley, and A. G. Chatfield, of the State of Minnesota, Anson Blake, Erastus Corning, Orville Clark, of the State of New York, Eber B. Ward and A. H. Hanchett, of Michigan, and their associates, successors and assigns be and they are hereby constituted a body corporate and politic, by the name and style of "The Lake Superior and Mississippi Railroad Company," and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling, mortgaging and conveying real estate and property, whether real, personal or mixed, so far as may be necessary or convenient for the purposes hereinafter mentioned, and in their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary or convenient to carry into effect the purposes and objects of this Act and of the said corporation.

Powers of incorporation

SEC. 2. That said corporation is hereby authorized and empowered to survey, locate, construct, maintain, use and operate, and at pleasure to alter the line thereof, a railroad with one or more tracks or lines of rails, to commence at some convenient point or place within the State of Minnesota, at the west end of Lake Superior, and running thence by the most feasible route within this State to some point on the Mississippi, with the right to extend the same to the Minnesota river; and also with the right to construct a branch from the main line to the navigable waters of the Saint Croix, together with all proper stations, depots, turnouts, engines, cars and other appurtenances and furniture of a railroad; *Provided*, The said company shall commence the grading and construction of said road at Superior, and continue the construction thereof toward the Mississippi river, and shall first build their said main line to said Mississippi river.

SEC. 3. The capital of said corporation shall be five millions of dollars, and shall be divided into shares of one

hundred dollars each, which shall be deemed personal property, and shall be transferrable on the books of said corporation, and the directors may increase the capital stock thereof to such amount as may be necessary or convenient to carry into effect all the rights and privileges hereby granted, not exceeding the whole cost of the road and its appurtenances, and the shares of any increase of stock shall be the same and transferrable in the same maner as the shares of the original stock. Capital stock of said corporation

SEC. 4. The above named persons, or any of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, which books may be opened at such times and places as a majority of said corporators may determine, by giving twenty days' notice in two of the newspapers published in Saint Paul, and also in the state paper at the city of Albany, New York, of the times and places where said books will be opened; said books may be kept open thirty days, or until the sum of one hundred and fifty thousand dollars of the capital stock of said company shall be subscribed. And as soon as said sum of one hundred and fifty thousand dollars shall have been subscribed to the capital stock of said company, and five per cent. of the amount so subscribed paid in to such person or persons as may have been appointed to receive the same by the persons named in the first section of this Act, who are hereby authorized to make such appointment, the above named persons, or a majority of them, may give like notice of a meeting of the stockholders at such time and place as they may deem expedient, to choose directors; and if at such time and place, the holders of one-half or more of the said stock shall attend, either by person or by lawful proxy, they shall proceed to choose from the stockholders by ballot, seven directors, at least three of whom shall reside in the State of Minnesota, each share of the capital stock entitling the owner to one vote; and at such election, the persons named in the first section of this Act, or those appointed by them, (which power is hereby conferred upon them), or any three of them, if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them, or a majority of them, what persons are elected directors; and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting a majority

Who authorised to open books to receive subscriptions—how and when to be opened

Choose directors, manner of

of directors so chosen shall be competent to transact all business of the company; and thereafter all elections of directors shall be made annually, at such time and place, and in such manner as may be determined upon by the board.

Election of officers

Said directors shall, at their first meeting, elect one of their number president, and shall appoint a treasurer secretary and such engineers and other officers as they may think necessary, and shall fix their compensation for the services to be rendered, and may require adequate security for the performance of their respective trusts.

Assessment on stock when deemed proper—to make rules and regulations

SEC. 5. The board of directors may, at such times as they may deem proper, assess upon the stock subscribed, an installment of not less than two and not more than ten per cent., and require payment of such installment within a reasonable time, not less than thirty days from notice thereof, under penalty of forfeiture of the stock on which the assessment was made, or otherwise ordered. They may also make all needful rules, regulations and by-laws, touching the business of said company, determine the number of tracks and railways upon said road and the width thereof, and the description of carriages to be used thereon, regulate the amount of tolls and manner of collecting the same, and fix the penalties for the breach of such rules, regulations and by-laws; direct the mode and condition of transferring the stocks of said company on the books thereof, and the penalties provided for by the said by-laws, may be sued for by any person authorized thereby in the name of said company, and be recovered in any action of debt, before any court having jurisdiction of the amount.

Right of company to construct road —where

SEC. 6. The said company may construct the said railroad across any public or private road, highway, stream of water or water-course if the same be necessary; *Provided*, That the same shall not interfere with navigation; but said company shall return the same to their primitive state, or in a sufficient manner so as not to impair the usefulness of such road, highway, stream of water, or water-course, to the owner or to the public.

SEC. 7. The said company shall have the right of way upon, and may appropriate to its own use and control for the purposes of the said road and its appurtenances, land not exceeding two hundred feet in width, throughout its entire length, except in cases where a borrowing pit or

waste bank is necessary for the construction thereof; in which cases such additional land may be appropriated by said company as may be necessary, and said corporation may, by its engineers, agents and contractors, enter upon and take possession of and use all and singular any lands, timber, streams and materials of any and every kind for the purpose of making the survey and fixing the location of said railroad, and of all stations, depots, turnouts, and other things necessary, proper, or convenient for the same and the full use and protection thereof, and of all its appendages and appurtenances. All such lands within the limits of the line of said railroad, and which may now belong to this State or hereafter may be acquired thereby or by the State in which said line may be, are hereby granted to the said corporation for such purposes, to be by them held and possessed so long as the same shall be used for such purposes: *Provided*, That in case of any of the lands which have been reserved, or shall hereafter be reserved or granted for the use of schools, shall be included in the limits of said line, the said corporation shall pay therefor such sum, not less than one dollar and twenty-five cents per acre, as the Governor of the State shall fix, which sum shall be paid to the Governor, and shall belong to the school fund of this State.

May appropriate land to its own use—how much

SEC. 8. The said corporation may take and hold for the said purposes or any of them, such additional lands as may be requisite or convenient therefor; but unless such lands shall be purchased of, or voluntarily given by the owners thereof, full and proper compensation therefor shall be made by said corporation to the owner or owners thereof, which compensation shall be ascertained and determined in the manner following:

Compensation to owners of land

The said corporation may present to any court in the judicial district in which the lands or real estate proposed to be taken shall be situated, having jurisdiction competent to entertain, adjudicate, and determine questions of title to real estate, a petition signed by some authorized agent or attorney thereof, describing with reasonable certainty and accuracy by map, plat, survey or otherwise, the lands or real estate so proposed or required to be taken; and setting forth the name of each and every owner, incumbrancer, and other persons interested in the same or any part thereof so far as the same can be ascer-

Value, how determined

tained by the legal records affecting the same, and by view of the premises, or other inquiry touching the occupation thereof, and praying the appointment of three competent disinterested persons as commissioners to ascertain and determine the compensation to be made to the said owner or owners respectively, and to all tenants, incumbrancers and others interested, for the taking or injuriously affecting said land or real estate. A copy of such petition, with a notice of the time and place, when and where the same shall be presented to the court, shall be served on each and every person named therein as owner, incumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering such copy of the petition and notice to each of the persons so named therein, if a resident of this State, or in case of the absence of such person, by leaving such copy of petition and notice at his or her usual place of abode, with some person of sufficient age and understanding to comprehend the object thereof, which shall be communicated to such person, with a request to deliver the same to the individual for whom it is thus left at the earliest opportunity, and if an infant, or a person of infirm mind, then by delivering the same to the guardian of such person. In case there shall be any persons named in said petition who are not residents of this State, upon whom service cannot be had in the manner above prescribed, a notice stating briefly the objects of the petition, a description of the lands proposed to be taken, and the time and place of presenting the petition to the court, and directed to such person or persons, shall be published in the newspaper printed nearest the location of such lands, and in a newspaper published at the seat of government of the State in which the lands shall be situated, once in each week for six weeks successively previous to the time designated for presenting such petition. The court to whom such petition shall be presented, shall not make any order for the appointment of commissioners to ascertain and determine the compensation to be paid to any owner or person interested, who shall not appear in person or by attorney, except upon proof by affidavit and to the satisfaction of the court of the service of the petition, and notice in the manner hereinbefore prescribed, but may do so upon the

Court to appoint commissioners

Notice to be served on owners

appearance of the party or upon proof of service in the absence of a party. The court may upon the application of the said corporation or of any party interested, for reasonable cause, adjourn the proceedings from time to time, and may order new and further notice to be given to any party whose interests may be affected thereby. When the court shall have satisfactory proof that all parties interested in any parcel of land have been duly served with the petition and notice in the manner herein prescribed, and of the nature and extent of the interests of each and every patry in the same, the court may make an order to be recorded in the minutes thereof, appointing three disinterested competent persons, commissioners to ascertain and determine the amount to be paid by the said corporation to each of such persons, as compensation for his interest or estate in such parcel or parcels of land, and specifying the time and place of the first meeting of such commissioners.

Proceedings may be adjourned from time to time

The said corporation shall without delay procure and deliver to each of said commissioners a copy of such order. Before the said commissioners shall enter upon the discharge of their duties, they shall respectively take and subscribe an oath that they shall faithfully and impartially discharge their duties as commissioners to ascertain and determine the compensation to be paid by the said corporation to the respective claimants for lands, or interest in lands to be taken for the use of said company. Such oath may be taken before any officer authorized by law to administer oaths. Whenever the place of any commissioner shall become vacant, the court may, upon such notice to the parties as he may prescribe, and by like order, supply such vacancy by the appointment of another person as such commissioner, who shall be, in like manner served with a copy of the order appointing him, and take the oath. The commissioners shall meet at the time and place specified in the said order, and when met and all present, may proceed to the hearing of the proofs and allegations of the parties, and are hereby authorized to administer oaths to witnesses before them.

Oath

The commissioners may, as the exigency or convenience of any case shall require, adjourn from time to time, and to such place as may in their judgment be most conducive to the purposes of their investigation. No proceedings shall be had by said commissioners unless

Powers of commissioners

all of them be present, except to adjourn; but any and every question submitted to them may be decided by a majority, and a report by a majority shall be valid. The said commissioners shall keep minutes in writing, of all their proceedings, in which they shall enter the time and place of their meetings and adjournments, the names of parties appearing before them, and whether in person or by attorney; the substance of the testimony of witnesses sworn and examined before them, and all disputed questions which shall be submitted to them, and their decisions thereon. In estimating damages or compensations to be paid to any claimants, the said commissioners shall take into consideration the benefits to accrue to the claimant by the construction of the said railroad and allow such benefits by way of a reduction of the damages which such claimant may sustain thereby, and report only the balances of the damages, but no balances shall in any case be reported in favor of the company. They shall make and sign a report which shall contain a description by metes and bounds, survey, map or plat of each separate parcel or points of land proposed to be taken by the said company for its use, the compensation for which they shall ascertain and determine, and the amount, if anything, to be paid by said company to each person whose interests are to be affected thereby.

Attach minutes and oath of office to report

They shall, as soon as their report shall be made, attach thereto their minutes and oath of office, and file the same in the office of the clerk of the court appointing such commissioners, and notify the parties interested in such report that the same is made and filed. In case the said company or any person interested in such report shall deem the same unjust in any matter affecting the amount of the compensation to be paid, the company or such party may appeal therefrom at any time within twenty days after the service of notice of filing of such report. The party appealing, shall file a notice of such appeal with the clerk of the court, with whom the report shall have been filed, stating the grounds of the appeal, and serve a copy thereof on the opposite party within the time above prescribed for taking an appeal, and by giving a bond in such penalty as the said court shall prescribe, conditioned to prosecute the appeal without delay, to abide the order the court may make on such appeal, and to pay the costs if he shall fail therein. Upon the filing of the

notice and bond for appeal, with proof by affidavits of service of such appeal as above prescribed, all further proceedings on the report shall be stayed until the further order of the court, and the cause upon such appeal shall be entered, proceeded in, and determined in the same manner as cases on appeal from courts of justices of the peace, and in case the appeal shall involve the determination of any question of fact, the same shall be tried by a jury unless a jury shall be waived by both parties. The report of the commissioners shall be final and conclusive unless appealed from in the manner above prescribed. Whenever the company shall take appeal from any report of commissioners, such appeal shall not stay the work on the road or other structure on the lands involved in the appeal. *Provided*, The company shall deposit in court the amount awarded by the report appealed from, to abide the order to be made by the court on appeal. An appeal from any report of commissioners, by or on the part of any person interested in any parcel of land or real estate, proposed to be taken by the company, shall stay all work on the road or other structure on the premises in question unless the company shall deposit in court the amount of money claimed by such appellant before the commissioners, to abide the order of the court on said appeal. Whenever any report of commissioners shall have become final, and whenever any appeal from such report or part of report shall have been finally determined, the said corporation shall, upon the payment to each party interested, of the sum determined thereby to be due him or her as a compensation for property taken, or deposit the same in court for his or her use, become invested and seized of the title of the land or real estate for which such payment or deposit shall have been made, and entitled to full, free and perfect use and occupancy of the same for the purposes aforesaid. The said commissioners shall be entitled to receive two dollars per day for their services, and their compensation and all the fees of officers previous to and including the filing of the report of the commissioners, shall be paid by the said company.

Report of commissioners to be final and conclusive

In case the title acquired to any lands by the said company in the manner hereinbefore mentioned or otherwise, shall prove defective, they are hereby authorized to take the proceedings prescribed in this section to procure the title from the real owner.

In case of defective title, how remedied

May consolidate its capital stock with any other company

SEC. 9. The said corporation shall have power to consolidate its capital stock with the road of any other company having the same general direction or location, or become merged therein by way of substitution, upon such terms and conditions as the two companies may agree upon by the consent of a majority of the stockholders, and the two companies when consolidated, shall be managed and controlled by the board of directors of both companies acting jointly, until the first election of directors of said consolidated companies, when the stockholders of said consolidated companies shall choose, at such time and place as they shall agree upon, a board of directors not to exceed eleven in number, who shall have power to change the name of said company, adopt a common seal, sue and be sued, contract and be contracted with, and shall have all the rights and privileges conferred by this Act and by the laws of all the states and territories through which the said consolidated road shall pass; and the right of way may be taken as provided for in this Act, which said agreement of consolidation shall be signed by the president, and a copy thereof filed in the office of the secretary of the states and territories through which said road shall pass.

Authorized to borrow money

SEC. 10. The said company is hereby authorized to borrow money to be expended in the construction and equipment of their said road and its appendages, and to issue bonds for the payment thereof, in the usual form, and may make and execute in the corporate name of said company all necessary mortgages, writings, notes, bonds or other papers, for any liability that may be incurred in the construction or equipment of said road.

Title in fee simple

SEC. 11. The fee simple of all lands along the line of said route or otherwise, granted by the Congress of the United States, for the purpose of aiding in the construction of said road, may be directly granted to said company, and said company is hereby empowered to receive title thereto, and to transfer said lands from time to time and to convey in fee simple or otherwise, as soon as, and as often as five miles of said road shall be constructed and completed, and the track thereof shall be put in running order; and the grant shall not become void, nor the company be dissolved by the non-completion of the entire extent of said road, but shall be good and valid to all intents and purposes for the parts or portions of said road

completed, and the said company shall continue and survive to that extent, *Provided*, That if any lands should be granted by the Congress of the United States to the State of Minnesota, or the aforesaid company for the construction of the line of road contemplated in this charter, the legislature shall have the right to make such restrictions as they may deem expedient concerning the time and the terms of sale of such lands.

May pass over road of any other compasy

SEC. 12. This company shall have the power to enter upon and pass over the railroad of any other company whose railroad connects with that of this company, with their cars and engines; and any other company whose railroad connects with that of this company, shall have like power to enter upon the railroad and pass over the same with their cars and engines, and such reciprocal use of said respective roads, shall be upon such terms and conditions as shall be agreed upon by the officers of said respective companies, and in case the two companies cannot agree upon terms, then either party may apply to the Supreme Court of this State, whose duty it shall be to fix such terms for the respective parties as may be equitable.

Transport mail, freight, etc

SEC. 13. The said company shall carry and transport the mail of the United States upon such terms as may be agreed upon, and all such freight and passengers as may be offered, if required so to do, upon such terms as are usual in like cases with like railroad companies.

Penalty for placing obstructions on said road

SEC. 14. If any person shall wilfully obstruct, or in any way injure any part of said railroad, or anything affixed or appurtenant thereto and necessary or convenient for its use, or any materials for the construction thereof, or any building, fixture or other structure, carriage, engine, or car thereof, such person shall be deemed guilty of a misdemeanor, and shall be liable to be indicted and punished therefor, and shall also be liable to pay the company twice the amount of damage occasioned thereby.

Employees to wear badge

SEC. 15. Every conductor, baggage master, or other agent or servant of said company, and who shall be engaged in the ticket office or on the cars on said road shall wear upon his hat or cap a plain badge, which shall indicate his office or station, and no conductor or collector shall demand or be entitled to receive any fare or toll, or exercise any control or direction in his station, or be authorized or allowed to interfere with any passenger, baggage or freight, without wearing such badge.

Engines to be furnished with an alarm bell

SEC. 16. Every locomotive engine on said road shall be furnished with a good and sufficient alarm bell or whistle, which shall be fully sounded at least eighty rods distant from every highwry crossing, while the engine shall be approaching the same and passing over said road, and for every violation of this section, the said company shall forfeit and pay to whomsoever shall prosecute for the same the sum of fifty dollars.

Declared to be a public act

SEC. 17. This Act is hereby declared to be a public act, and may be amended by any subsequent legislative assembly, in any manner not destroying or impairing the vested rights of said corporation.

When company to own swamp lands through which it passes

SEC. 18. If the company shall, within one year, organize and locate the line of their said road, and within two years grade at least twenty continuous miles of the same from Lake Superior, and shall within five years from the passage of this Act construct and complete a first class railroad from Lake Superior to the Mississippi River, with the necessary engines and cars running thereon for the transportation of passengers and freight, then, and in such case, the said company shall be entitled to have and to own in fee all the swamp lands for seven miles on either side of the line of said road, and its extension to the Minnesota River and its branches, as provided in the second section of this Act, as soon and as fast as each and every twenty consecutive miles thereof shall be located and completed. And for that purpose, as soon as said line, its continuation and branch shall be located, the lands shall be withheld from market, and upon the completion of any twenty consecutive miles of said road, with cars running thereon, the lands within seven miles of either side thereof shall be certified and conveyed to said company by the proper officers of the State; *Provided*, The whole of said road, extension and branch shall be completed in ten years. And the land shall not be subject to taxation so long as the fee thereof remains in the said company; *Provided*, That the said company shall sell and dispose of all said lands within ten years from the time the same shall be certified and duly transferred to said company from the State.

And Provided further, That when the said road shall be completed as hereinbefore provided from Lake Superior to the Mississippi river, or the branch or continuation thereof as aforesaid, if it shall be found that any

portion of the said swamp lands have been sold or otherwise disposed of, within the said seven miles, by the United States, the amount shall be made up of other swamp lands belonging to the State outside of said seven miles. And if it shall be found that within the said seven miles on each side of said line there shall not be an amount of swamp lands belonging to the State, to at least seven full sections per mile, then the said company shall have the right to select from the swamp lands belonging to the State outside of said line and between the Mississippi River, Lake Superior and Rainy Lake, other lands in an amount in all equal to seven full sections for each and every mile of such completed railroad, branch or continuation.

Deficiency how made up

SEC. 19. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER II.

An Act to Facilitate the Construction of the Minneapolis and Cedar Valley Railroad, and to Amend and Continue certain acts in relation thereto.

SECTION 1. Board of incorporators—corporate rights granted by this Act.
2. Authorized to re-organize under the original charter—nothing shall be construed to impair the validity of sale and foreclosure of rights, etc., on 16th day of August 1860.
3. Trustees of first mortgage bonds authorised to foreclose and sell said road—when deemed advisable.
4. When incorporation to acquire absolute title—duty of Governor when road completed.
5. Lands, when not to be exempt from taxation—installments, when and how made—penalty for false swearing.
6. Duty of Governor when road shall be fully completed.
7. Forfeiture of road, properties, etc.,—when.
8. To have power to enter upon and pass over the railroad of any other company.
9. Forfeiture, upon the failure of said person or company to complete twenty miles on or before first day of January 1862.
10. Upon failure to comply with provisions of preceding section, any other persons shall be entitled to said property, etc., by compliance.
11. Rights of pre-emptors.
12. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all the rights, benefits, privileges,

property, franchises, and interests of the Minneapolis and Cedar Valley railroad company, acquired by the State of Minnesota, by virtue of any acts, deeds, sale, foreclosure, agreement or thing by the said company heretofore done or suffered, or by virtue of any law of the State, or any foreclosure by the Governor of the State, acting for and in behalf of the State, or by reason of a sale of the same, or of any part thereof, by the Governor of the State of Minnesota, or by the trustees of the first mortgage bond holders of such road, on the 16th day of August, 1860, and bid in and purchased by the Governor of the State of Minnesota for the benefit of the State of Minnesota, be, and the same are hereby continued, granted, and transferred to Erastus Corning, Dean Richmond, James F. Joy, James W. Brooks, Walter L. Newberry, Elliott Anthony, William Osborne, Roswell B. Mason, Platt Smith, William H. Dike, J. W. North, Thomas A. Harrison, John Jay Knox, John Abbott and William G. LeDuc, for the purpose and on the terms and conditions hereinafter in this Act provided, free and clear of all liens or claims thereon by the State of Minnesota, except as herein provided.

Board of incorporators—corporate rights granted

All the rights, privileges, franchises, lands, property, and interests granted by the Territory of Minnesota to the Minneapolis and Cedar Valley railroad company by the two several acts of the legislature of said Territory, the one entitled "an act to incorporate the Minneapolis and Cedar Valley railroad company," approved March 1st, 1856, and an act entitled "an act to execute the trust created by the act of Congress, entitled 'an act making a grant of land to the Territory of Minnesota in alternate sections to aid in the construction of certain railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, and granting certain lands to railroad companies therein named,'" approved May 22d, 1857, are hereby continued and granted to, and vested in the said Erastus Corning, Dean Richmond, James F. Joy, James W. Brooks, Walter L. Newberry, William Osborne, Roswell B. Mason, Platt Smith, Elliott Anthony, William H. Dike, J. W. North, Thomas A. Harrison, John Jay Knox, John Abbott, and William G. LeDuc, and their associates and successors, with all the immunities, rights, property, benefits, and

privileges which the said Minneapolis and Cedar Valley railroad had or might or could have, by reason of the passage of the said acts, or either or both of them, free and clear of all liens or claims of the State of Minnesota thereto, except such as are retained to the said State in or by said acts, or by the provisions of this Act; and the said persons herein named, and their associates and successors shall hereafter be known as the Minneapolis, Faribault and Cedar Valley railroad company, and that the persons hereinbefore referred to, and hereinbefore named, shall be the directors of said company for one year, and until others are elected and appointed in their place, a majority of whom shall have power to fill any vacancy that may occur in said board prior to such first election.

Board of Directors—vacancies how filled

For the purpose of carrying out and effecting the objects of this Act, the said Minneapolis, Faribault and Cedar Valley railroad company, and their successors and assigns shall have and be possessed of all the powers, immunities, rights, franchises and privileges contained in, and provided for in the said two acts referred to in section two of this Act, and be subject to all the conditions and provisions of the said acts, excepting as altered or changed by this Act.

The board of directors of the said Minneapolis, Faribault and Cedar Valley railroad company shall consist of fifteen persons, who shall be elected by the stockholders annually.

SEC. 2. And be it further enacted, that for the purpose of quieting any outstanding claims, the Minneapolis and Cedar Valley railroad company is hereby authorized to release to such persons hereinbefore mentioned, and their associates, any right or title which it may claim to have in and to all the rights, privileges, franchises, right of way, road beds, depot grounds, culverts, bridges, turn outs, and property of every character and kind, belonging to, or in any manner appertaining to said line of railroad, and said person or persons to whom such release shall be executed, are hereby authorized and empowered to re-organize under the original charter of said Minneapolis and Cedar Valley railroad company, and under the name of the Minneapolis, Faribault and Cedar Valley railroad company, which said company shall have all the powers, privileges, franchises, rights, and immunities of every character and kind which were possessed by

Authorized to re-organize under the original charter

the said Minneapolis and Cedar Valley railroad company, *Provided*, That nothing in this Act contained shall be construed as impairing the validity of the sale and foreclosure of rights, properties and franchises of said company on behalf of the State on the 16th day of August, 1860, or as recognizing in any manner any title to such rights, properties and franchises in such Minneapolis and Cedar Valley railroad company, and *Provided further*, That the acceptance of the grants in this Act contained shall be deemed a waiver of all errors and irregularities, if any, in such foreclosure and sale, by said Minneapolis, Faribault and Cedar Valley railroad company, or any other persons or corporation taking under the provisions of this Act, as against the State of Minnesota.

Nothing construed to impair the validity of sale on 16th August, 1860

SEC. 3. And be it further enacted, that if it should be deemed advisable by the parties herein named to correct any defects in the sale and foreclosure of said Minneapolis and Cedar Valley railroad company, made by the trustees of the first mortgage bondholders, on the 16th day of August, 1860, that William R. Marshall and John G. Forbes, who are the trustees of the first mortgage bondholders of the Minneapolis and Cedar Valley railroad company, are hereby authorized and empowered to advertise, foreclose and sell said Minneapolis and Cedar Valley railroad in accordance with the provisions of the trust deed, together with all the privileges, immunities, right of way, road bed, and all the property of the said Minneapolis and Cedar Valley railroad company, which it had or has, if any, under and by virtue of the said trust deed, made and executed by the said Minneapolis and Cedar Valley railroad company to said William R. Marshall and John G. Forbes as trustees aforesaid, as security for the first mortgage bonds issued by said company, which said bonds were issued and delivered by the said company to the State of Minnesota, and which are now held by said State of Minnesota as security for the payment of the bonds and interest due and to become due on certain bonds issued by said State of Minnesota to said railroad company, and upon the sale of the same, the purchaser or purchasers and their associates shall have the right to re-organize under said charter of said Minneapolis and Cedar Valley railroad company, and have and use and exercise all the powers, privileges, rights and franchises of said original company, and shall

Trustees of first mortgage bonds authorized to foreclose and sell said road—when deemed advisable

have power to construct and complete said railroad and its branch roads to Saint Paul and Hastings, as provided in the charter of the Minneapolis and Cedar Valley railroad company, and the act entitled "an act to execute the trust created by an act of Congress entitled an 'act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State, and granting certain lands to railroad companies therein named.' "

When to acquire absolute title—duty of Governor when road completed

SEC. 4. And be it further enacted, that it is hereby made a condition of the grants herein made, that said person or persons or corporation shall not acquire the absolute title to the road bed, right of way, depot grounds, culverts, bridges, turn outs, switches, rights, privileges and franchises and the track and line of said Minneapolis and Cedar Valley railroad company, until such purchasers shall fully complete and put in running order twenty-five miles of said railroad—but said person or persons or corporation may have the privilege of entering into and upon said railroad track, right of way and depot grounds for the purpose of constructing said railroad, and may have the privilege of acquiring the right of way over the property owned by individuals in the same way as now specified in the charter of the Minneapolis and Cedar Valley railroad company.

And be it further enacted, that it shall be a condition that no title to the lands granted by the act entitled "an act to execute the trust created by the act of Congress entitled 'an act making a grant of lands to the Territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said Territory of Minnesota, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State, and granting certain lands to railroad companies therein named,' approved May 22d, 1857," or any other act of the legislature of the Territory of Minnesota, or of the legislature of the State of Minnesota, shall vest in said purchaser or purchasers or corporation, or said persons herein named or said corporation, until such person or persons or corporation shall construct and fully complete said railroad from the Iowa line, west of range sixteen (16) *via* Faribault to Minneapolis, on the

present located line of said road, except and so far as it may be necessary to change the same for engineering purposes in crossing the Minnesota River at Mendota, so that cars can be run continuously over the same. And upon the construction and completion of said railroad, then the said Governor of said State of Minnesota, acting for and in behalf of said State, shall execute in the name of the State of Minnesota, under the great seal thereof, a full and absolute title in fee simple to all the lands which were conveyed to the said State or Territory of Minnesota by an act of Congress approved March 3d, 1857, and entitled "an act making a grant of land to the Territory of Minnesota in alternate sections to aid in the construction of certain railroads in said Territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State," and which would have accrued to said Minneapolis and Cedar Valley railroad company, or to which it would, under any law of the Territory or State of Minnesota, or in any way or manner be entitled, and upon the execution of said deed, the said company or the said person or persons shall have the absolute, full and complete title to the said lands in fee simple.

Title in fee simple

SEC. 5. And be it further enacted, that the land granted or intended to be granted by the provisions of this Act to this corporation or to the persons herein named, or to the persons who shall be the purchasers of said Minneapolis and Cedar Valley railroad, and who shall finish and complete said railroad herein mentioned shall be and hereby are exempted from all assessments and from all taxation whatsoever, until the same shall have been sold and conveyed by the said company, or until said company shall contract to sell the said lands; and in consideration of an annual payment of a per centum (as provided in this section) by said corporation as aforesaid, the railroad, its appurtenances and appendages, and all other property, estate and effects of said corporation, which by the provisions in this Act contained, said corporation is to acquire, purchase, hold, possess, enjoy or use, for, in or about, construction, equipment, renewal, repair, maintaining or operating its railroad, as also the stock and capital of said company, shall be and hereby are forever exempt from all taxation and from all assessments; and in consideration of the grants made to, and the privi-

Lands when not to be exempt from taxation

leges and franchises conferred upon the company organizing under this Act, and of the exemption contained in this section, the said company shall, during the first three years after said railroad shall be completed and in operation, on or before the first day of March of each and every year, pay into the treasury of this State, one per cent. on the gross earnings of said railroad, the first payment to be made on the first day of March next after the said railroad shall be completed and in operation, and shall during the seven years after the expiration of the three years aforesaid, pay into the treasury of this State on or before the first day of March of each and every year, two per cent. on the gross earnings of said railroad, and shall from and after the expiration of ten years from the completion of said railroad, on or before the first day of March of each and every year pay into the treasury of this State, three per cent. of the gross earnings of said railroad, and the payment of such per centum annually as aforesaid, shall be, and is, in full of all taxation and assessment whatsoever. Installments, when and how made

And for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the Treasurer of this State, on or before the first day of February in each year; the truth of which abstract shall be verified by the affidavits of the treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affidavits, and the correctness of such abstracts, full power is hereby vested in the Governor of this State, or any other person appointed by law prescribed, to examine under oath the officers and employees of said company, or other persons, and if any person so examined by the Governor, or other authorized person, shall knowingly or willingly swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury. And for securing to the State the payment of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of said company, and upon all the property, estate and effects of said company whatever, real, personal or mixed, and the lien hereby secured to the State, shall take and have precedence of all demands, decrees and judgments against said company. Penalty for false swearing

SEC. 6. And be it further enacted, that whenever the

Duty of Governor when road shall be fully completed

said parties herein named, or said corporation herein mentioned, their successors or assigns, shall fully complete said railroad, that the Governor of the State of Minnesota, shall deliver, transfer and assign to said company hereinbefore mentioned, all the bonds issued to, and which are now held by the State, by the Minneapolis and Cedar Valley railroad company.

Forfeiture of road, property, etc.—when

SEC. 7. And be it further enacted, that the rights, privileges, franchises, road bed, right of way, properties, and immunities hereinbefore granted and assigned, are so granted, transferred and assigned upon the express condition that said Minneapolis, Faribault and Cedar Valley railroad company shall build and construct twenty miles of said railroad within one year from the first day of January, 1861, and fifty miles of said road within two years from said first day of January, and fully build and construct, complete and equip said road within three years from the first day of January, 1861, (including the branch from Mendota to the South bank of the Mississippi River at Saint Paul, on the route of the Root River Valley and Southern Minnesota railroad company, *Provided*, That part of said road shall not have been sooner built by the last named company, or any company succeeding to its rights). And upon the failure to keep and perform either or any of the conditions in this section contained, all the unbuilt portions of said road, with the properties, rights and franchises appertaining thereto, shall be absolutely forfeited, and shall revert to the State without any other act or ceremony whatever, in which case the State shall hold and possess the same in the like character she now holds them, without any merger or extinguishment to be used, granted, or disposed of for the purpose of aiding the construction of said road

May pass over the road of any other company

SEC. 8. The said Minneapolis, Faribault and Cedar Valley railroad company shall have full power to enter upon and pass over the railroad of any other company, whose railroad connects with or intersects and crosses that of this company, with their cars and engines, for the transportation of passengers and property, and any other company whose railroad connects, intersects or crosses that of this company, shall have like power to enter upon said railroad and pass over the same with their cars and engines, and said reciprocal use of said respective roads, shall be upon such terms and conditions as may be agreed

upon by said respective companies, and in case said respective companies cannot agree upon said terms and conditions, then either party may apply to the Governor of this State, on ten days notice, who shall appoint three competent and disinterested persons to decide upon such terms and conditions, and the compensation for such use, and the award of such persons shall be final and conclusive for the period of three years, when either party may request and have a new agreement, or appointment of persons to determine upon the same as aforesaid.

Forfeiture upon failure of company to complete twenty miles of said road—when

SEC. 9. And be it further enacted, that as a condition precedent to the right of said persons or company hereinbefore mentioned, to receive the rights, privileges, franchises, road bed, right of way, properties and immunities hereinbefore granted and assigned, and before any right or title whatever thereto, shall vest in said persons or company, said persons or company taking under this Act shall be required as a guaranty of their good faith, to deposit with the Treasurer of the State of Minnesota, on or before the first day of July, A. D. 1861, ten thousand dollars in cash, or in State or United States stocks at their current value in New York, which sum so deposited shall be absolutely forfeited to the State of Minnesota, upon the failure of said persons or company to complete twenty miles of said railroad on or before the first day of January, A. D. 1862, *Provided*, That upon the construction of twenty miles of railroad as aforesaid, such persons or company making such deposit as aforesaid, shall be and are hereby authorized to withdraw the said sum of money, or said stocks, and, *Provided further*, That said persons or company shall pay to the Governor, to be by him deposited with the State Treasurer for the use of the State, the actual cost and expenses incurred by the State in the forclosure and sale of the said Minneapolis and Cedar Valley railroad hereinbefore referred to.

Disposition of property upon failure to comply

SEC. 10. And be it further enacted, that upon the failure of said persons hereinbefore named, to make the deposit provided for in the last section, any other persons or company shall be entitled to take and receive the privileges, properties, rights and franchises granted in and by this Act upon making such deposit, and shall be subject to all the liabilities, conditions, and forfeitures hereinbefore provided for, except that said last mentioned persons or company shall not be required to complete

more than ten miles of said road before the first day of January, A. D. 1862.

SEC. 11. And be it further enacted that all persons, their heirs or legal representatives, who were entitled to the right of pre-emption under the laws of the United States to any of the lands granted to this State by the act of Congress of March 3d, 1857, to aid in the construction of said road, at the time when the line of said road was definitely fixed and located, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the company organizing under this Act shall become entitled to the fee thereof, shall be at liberty to purchase the same of said company for the sum of one dollar and twenty-five cents per acre; *Provided*, That application therefor and proof of the right to purchase, shall be made within six months after the fee of said lands shall be acquired by said company as aforesaid.

Rights of pre-emptors

SEC. 12. Be it further enacted that this Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER III.

An Act to Facilitate the Construction of the Transit Railroad, and to Amend and Continue certain acts in relation thereto.

SECTION 1. Transfer of the rights, benefits, privileges, property, etc.—to whom.
2. Powers of incorporation.
3. When said road to be completed.
4. May have power to make and execute any mortgage or trust deed—for what purpose.
5. Board of directors, how elected.
6. Rights of pre-emptors.
7. May transport and carry passengers, freight, etc.—terms for transportation, how decided.
8. Forfeiture of road, property, etc.—when.
9. May have the right to erect and use an electric telegraph.
10. Bond to be executed and deposited with the Governor—in what sum—for what purpose.
11. When said company to acquire absolute title to road-bed, right of way, etc.
12. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all the rights, benefits, privileges,

property, franchises and interests of the Transit Railroad Company, acquired by the State of Minnesota by virtue of any acts, deeds, agreement or thing by the said company heretofore done or suffered, or by virtue of any law of the State or former Territory of Minnesota, or by reason of a sale of the same, or of any part thereof, by the Governor of the State of Minnesota, on the 22d day of June, 1860, and bid in and purchased for the benefit of the State, be and the same are hereby granted and transferred to Orville Clark, Abraham Wing, John W. Kirk, Robert Higham, W. H. Smith, Nelson P. Stewart, and B. W. Perkins, for the purpose and on the terms and conditions hereafter in this Act provided, free and clear of all liens or claims thereon by or to the State of Minnesota, except as herein provided. To whom property transferred

SEC. 2. All the rights, privileges, franchises, lands, property and interests granted by the Territory of Minnesota to the Transit railroad company, by the two several acts of the legislature of the said territory, the one entitled "a bill to incorporate the Transit railroad company," approved March 3d, 1855, and chapter two of the act entitled "an act to execute the trust created by an act of Congress, entitled an act making a grant of land to the Territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State, and granting certain land to railroad companies therein named," approved May 22, 1857, are hereby continued and granted to and vested in the said Orville Clark, Abraham Wing, John W. Kirk, Robert Higham, W. A. Smith, Nelson P. Stewart, and B. W. Perkins, and their associates and successors, with all the immunities, rights, property, benefits and privileges which the said Transit railroad company had, or might or could have by reason of the passage of said acts, or either or both of them, free and clear of all liens or claims of the State of Minnesota thereto, excepting such as are retained to the said State in or by said acts. And the said persons hereinbefore named and their associates and successors, shall hereafter be known as the Winona, St. Peter and Missouri River railroad company, and by that name may sue and be sued, and have and exercise all the powers, rights and privileges which heretofore pertained to Powers of incorporation

the Transit railroad company by the acts hereinbefore referred to, and that the persons hereinbefore named shall be the directors of said company for one year, and until others are elected or appointed in their place.

From Winona to Rochester

From Rochester to Owatonna

When to be completed to the point of junction

SEC. 3. The provisions in this Act contained, are upon condition that the said Winona, St. Peter and Missouri River railroad company shall, within eighteen months from the passage of this Act, make, construct, complete and put in operation a first class railroad from the city of Winona, in the county of Winona, to the city of Rochester, in the county of Olmsted, with a sufficient number of engines and passenger and freight cars thereon to accommodate all the business of the people over said railroad; and shall continue and complete in like manner a further section of said road from Rochester westward to Owatonna, in the county of Steele, where the line of the Minneapolis and Cedar Valley railroad shall intersect or cross the line of said Winona, St. Peter and Missouri River railroad, within three months from the time the Minneapolis and Cedar Valley railroad shall be completed and cars running thereon to the said point of junction; *Provided*, That the time of completing the said Winona, St. Peter and Missouri River railroad to the said point of junction shall not be more than twenty-four months from the passage of this Act; and *provided*, That the whole line of said railroad, from Winona to the village of St. Peter, on the Minnesota River, shall in like manner be completed within three years from the passage of this Act, with a sufficient number of engines, passenger and freight cars thereon, to accommodate all the business of the people over the entire line of said road; *Provided*, That when and at such time as the said road shall be completed to Owatonna, the said corporators shall commence the grading of said road at St. Peter on the west side of the Minnesota River, and continue working easterly on the line of said road, until the whole shall be completed within the time and between the points named in the bill. Said Winona, St. Peter and Missouri River railroad company, shall further, within five years from the passage of this Act, make, construct, complete and put in operation, a first class railroad from the village of St. Peter to the town of New Ulm, in the county of Brown, with a sufficient number of engines, and passenger and freight cars thereon, to accommodate all the business of the people over said railroad.

May execute mortgage or trust deed—for what purpose

SEC. 4. For the purpose of carrying out and effecting the objects of this Act, the said Winona, St. Peter and Missouri River railroad company, and their successors, shall have and be possessed of all the powers, immunities, franchises, rights and privileges contained in, and provided for in the said two acts referred to in section two of this Act, and be subject to all the conditions and provisions of the said acts, excepting as altered or changed by this Act and subject to the same, shall have power to make and execute any mortgage or trust deed or deeds of their property, rights and franchises, to secure the payment of the principal and interest of any money borrowed or received by them, and of any indebtedness incurred or to be incurred by them.

Board of directors, how elected

SEC. 5. The board of directors of the said Winona, St. Peter and Missouri River railroad company shall consist of seven persons, who shall be elected by the stockholders annually, four of whom shall form a quorum, and shall exercise such duties and powers as shall be provided in the by-laws of said company, and so much of the seventh section of the said act entitled a bill to incorporate the Transit railroad company, approved March 3d, 1855, as is inconsistent with this Act, is hereby repealed.

Rights of pre-emptors

SEC. 6. That any person or persons, or his, her, or their heirs, or representatives, who was or were entitled to the rights of pre-emption under the laws of Congress to any of the lands granted to this State at the time the same was so granted by the said act of Congress, approved on the 2d day of March, 1857 aforesaid, and by this Act granted to the said Winona, St. Peter and Missouri River railroad company, and who have not purchased the same from the United States, and were entitled, when the line of route of said road was definitely fixed, and shall have continued in the actual occupancy thereof to the time the said Winona, St. Peter and Missouri River railroad company shall become entitled to the same under the provisions of this Act, and of the said act of Congress, shall be entitled to purchase the same of said company at and for a price or sum to be paid or secured to the satisfaction of the said company, not exceeding one dollar and twenty-five cents per acre, provided application for the same, and the right to purchase as aforesaid shall be made and duly proved to said company within six months from the time said company shall be entitled to the same.

May transport and carry passengers, freight, etc.—terms for transportation, how decided

SEC. 7. And it is further enacted, that the said Winona, St. Peter and Missouri River railroad company shall have a full right to transport and carry, and to have transported and carried, all persons, goods, wares and merchandize, property and freight over any and all parts or portions of any and every railroad within this State, which may be hereafter built or constructed, and which shall connect with or cross the said Winona, St. Peter, and Missouri River railroad at any point between the city St. Peter and the city of Winona, running from the line of said Winona, St. Peter and Missouri River railroad, northerly to Mendota, Minneapolis, St. Paul, or to either of them or to any intermediate point, on such terms and conditions as shall be agreed upon by the companies owning or operating the said respective lines, and in case said companies shall not be able to agree in reference to said terms, conditions and compensation, either parties may apply to the Governor of this State, on ten days notice, for the appointment of three disinterested and competent persons, to decide upon such terms, conditions of such use and the compensation to be paid therefor, and the award of the persons so appointed shall be final and conclusive for the period of three years, when either company may require a new appointment of persons for the purpose of settling upon such terms and conditions as aforesaid, and all charters or privileges hereafter granted by the State of Minnesota to operate or run any road connecting with or crossing the said Winona, St. Peter and Missouri River railroad, shall be subject to the rights and privileges in this section granted, whether expressed in such grant or otherwise. And every such connecting road shall have the same rights and privileges to transport and carry, to have transported and carried, all persons, goods, wares, merchandize, property and freight over any and all parts or portions of the said Winona, St. Peter and Missouri River railroad, from its point of junction either way, as are herein given to the said Winona, St. Peter and Missouri River railroad, and on like terms and conditions to be agreed upon and determined in like manner.

SEC. 8. The Said Winona, St. Peter and Missouri River railroad company shall, as a further condition of this Act, construct, complete, and have in full operation for the transporting of passengers and freight over the same, at least ten miles of their said road from Winona westerly,

on or before the first day of January, 1862, in default of which, all the rights and benefits conferred upon said company by virtue of this Act, shall be forfeited to the State absolutely, and without any further act or ceremony whatever. And in case the said company shall fail to construct the other or further portion or portions of said road as aforesaid, at the time or times aforesaid, then the said company shall forfeit to the State absolutely, and without any further act or ceremony whatever, all the lands, property, and franchises pertaining to the unbuilt portion of said road, and in either case, or in any forfeiture whatever under the provisions of this Act, the State shall hold and be possessed of all such land, property and franchises so forfeited, without merger or extinguishment, to be used, granted or disposed of for the purpose of aiding and facilitating the construction of such line of road.

When road may be forfeited

SEC. 9. And the said Winona, St. Peter and Missouri River railroad company shall and may have the right to construct, make and use an electric telegraph over the entire line of the road in this Act authorized to be built; and may take, demand and receive the usual fees and charges for transmitting messages over the same, and shall have full right to connect said line with any other line or lines of telegraphs in this State, and by agreement may connect with any lines of telegraphs in other states and territories.

Right to erect electric telegraph

SEC. 10. And be it further enacted, that as a condition precedent to the right of said persons or companies hereinafter mentioned to receive the rights, privileges and franchises, road-bed, right of way, properties and immunities heretofore granted and assigned, and before any right or title whatever thereto, shall vest in said persons or company, said persons or company taking under this Act shall, as a guarantee of their good faith, deposit with the Governor of this State on or before the first day of July, 1861, ten thousand dollars in cash, or State or United States stocks, at their current value in the city of New York, which sum so deposited shall be absolutely forfeited to this State, on failure of said persons or company to complete ten miles of said railroad on or before the first day of January, 1862. *Provided*, That upon the construction of the said ten miles of said road as aforesaid, said persons or company making such deposit as aforesaid, shall be and are hereby authorized to withdraw said sum of money or

Bond to be deposited with Governor—in what sum and for what purpose

stocks so deposited, upon paying to the State Treasurer the amount of legal cost and expenses incurred by the State in the foreclosure and sale of the said Transit railroad company, said expenses to be certified to by the Governor, *Provided*, That upon the failure of said persons hereinbefore named to make the deposits provided for in this section, any other person or company shall be entitled to take and receive the privileges, properties, rights, and franchises, granted in and by this Act, upon making such deposits, and shall be subject to all the liabilities, conditions and forfeitures hereinbefore provided for.

When company to acquire absolute title to road-bed, etc.

SEC. 11. And be it further enacted, that it is hereby made a condition of the grants herein made, that said person or persons or corporation shall not acquire the absolute title of the said road bed, right of way, depot grounds, culverts, bridges, turn outs, switches, rights, privileges, and franchises and the track and line of said Transit railroad company until said Winona, St. Peter and Missouri River railroad company shall fully complete and put in running order ten miles of said railroad, but said person or persons or corporation may have the privilege of entering into and upon said railroad track, right of way and depot grounds for the purpose of constructing said railroad, and may have the privilege of acquiring the right of way over the property owned by individuals in the same way as now specified in the charter of the Transit railroad company.

SEC. 12. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER IV.

An Act to Facilitate the Construction of the Southern Minnesota Railroad, and to Amend and Continue certain acts in relation thereto.

SECTION 1. Transfer of the rights, benefits, privileges, property, etc., of said road—in whom vested—board of directors.
2. When company to acquire title to road-bed, right of way, etc.—privileges of said corporation—duty of Governor on completion of every consecutive twenty miles of said road.
3. When exempt from assessment and taxation.
4. When bonds to be delivered and transferred to said company.
5. Rights, privileges, franchises, etc., upon what conditions to be assigned to said company.
6. Company to give bonds to be deposited with the Treasurer—in what sum.
7. Upon failure to comply with provisions of preceding section, any other persons may be entitled to said property by compliance.
8. Rights of pre-emptors.
9. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all the rights, benefits, privileges, property, franchises and interests of the Southern Minnesota railroad company, acquired by the State of Minnesota by virtue of any acts, deeds, sale, foreclosure, agreement, or thing, by the said company heretofore done or suffered, or by virtue of any law of the State or any foreclosure by the Governor of the State, acting for and in behalf of the State, or by reason of a sale of the same, or of any part thereof by the Governor of the State of Minnesota, and bid in and purchased by the Governor of the State of Minnesota for the benefit of the State of Minnesota, be and the same are hereby held in trust, to be continued, granted and transferred for the purpose and on the terms and conditions hereinafter in this Act provided, free and clear of all liens or claims thereon by the State of Minnesota except as herein provided. Transfer of property, etc., of said road

All the rights, privileges, franchises, lands, property and interests granted by the Territory of Minnesota to the Root River Valley and Southern Minnesota railroad company, by the several acts of the legislature of said Territory, the one entitled "an act to incorporate the Root River Valley and Southern Minnesota railroad com-

pany," and an act entitled "an act to execute the trust created by the act of Congress entitled 'an act making a grant of land to the Territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, and granting certain lands to railroad companies therein named,'" approved May 22, 1857, are hereby declared to be held in trust by the State of Minnesota, to be continued and granted to and vested in B. Mills, Elihu Hunt, Luke Miller, W. R. Robinson, A. G. Chatfield, Parker Paine, J. H. McKinney, Daniel W. Ingersoll and Henry T. Wells and their successors, with all the immunities, rights property, benefits and privileges which the said Southern Minnesota railroad company had, or might, or could have, by reason of the passage of the said acts or either or both of them, free and clear of all liens or claims of the State of Minnesota thereto, except such as are retained to the said State in or by said acts, or by the provisions of this Act.

In whom vested

For the purpose of carrying out and effecting the objects of this Act, the Southern Minnesota railroad company and their successors and assigns shall have and be possessed of all the powers, immunities, rights, franchises and privileges contained in and provided for in the said two acts referred to in section two of this Act, and be subject to all the conditions and provisions of the said acts, excepting as altered or changed by this Act.

Board of directors

The board of directors of the said Southern Minnesota railroad company shall consist of nine persons, who shall be elected by the stockholders annually.

SEC. 2. And be it further enacted that it is hereby made a condition of the grants herein made, that said person or persons, or corporation shall not acquire the title to the road bed, right of way, depot grounds, culverts, bridges, turn outs, switches, rights, privileges and franchises, and the track and line of said Southern Minnesota railroad company, until said company shall fully complete and put in running order ten miles of said railroad, but said person or persons or corporation may have the privilege of entering into and upon said railroad track, right of way and depot grounds for the purpose of constructing said railroad, and may have the privilege of

When to acquire title to road-bed, etc.

acquiring the right of way over the property owned by individuals in the same way as now specified in the charter of the Root River Valley and Southern Minnesota railroad company. Privileges of said corporation

And said company are hereby authorized and required to construct a railroad with one or more tracks, from a point of junction with the Root River line at or near Hokah, to the village of Brownsville in the county of Houston, as provided in an act to execute the trusts created by an act of Congress entitled an act making a grant of land to the Territory of Minnesota in alternate sections to aid in the construction of certain railroads in said Territory, approved May 22d, 1857, within one year after the road is completed from LaCrescent to Rochester, and said company or corporation are also hereby empowered and authorized to survey, locate, and complete, and perpetually to have, use and maintain and operate their line of road from Mankato *via* South Bend to the southern boundary of the Territory in the direction of the Big Sioux river. And upon the construction and completion of each and every consecutive twenty miles of said railroad as aforesaid, then said Governor of said State of Minnesota, acting for and in behalf of said State, shall execute in the name of the State of Minnesota, under the great seal thereof, a full and absolute title in fee simple to all the lands, appertaining thereto, which were conveyed to the said State or Territory of Minnesota by an act of Congress, passed March 3d, 1857, and entitled "an act making a grant of land to the Territory of Minnesota in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State," and which would have accrued to said Root River Valley and Southern Minnesota railroad company, or to which it would under any law of the Territory or State of Minnesota, or in any way or manner be entitled, and upon the execution of said deed, the said company or the said person or persons shall have the absolute, full, and complete title to the said lands in fee simple. Duty of Governor

SEC. 3. And be it further enacted, that the land granted or intended to be granted by the provisions of this Act to this corporation or to the persons herein named, or to the persons who shall be the purchasers of said

Southern Minnesota railroad, and who shall finish and complete said railroad herein mentioned, shall be and hereby are exempted from all assessments and from all taxation whatsoever, until the same shall have been sold and conveyed by the said company, and in consideration of an annual payment of a per centum (as provided in this section) by said corporation as aforesaid, the railroad, its appurtenances and appendages, and all other property, estate and effects of said corporation, which by the provisions of this Act contained, said corporation is to acquire, purchase, hold, possess, enjoy or use, for, in or about the construction, equipment, renewal, repair, maintaining or operating its railroad, as also the stock and capital of said company, shall be and hereby are forever exempt from all taxation and from all assessments; and in consideration of the grants made to, and the privileges and franchises conferred upon the company hereby created, and of the exemption contained in this section, the said company shall during the first three years after said railroad shall be comple ed and in operation, on or before the first day of March of each and every year, pay into the treasury of this State, one per cent. on the gross earnings of said railroad, the first payment to be made on the first day of March next after the said railroad shall be completed and in operation, and shall, during the seven years next ensuing after the expiration of the three years aforesaid, pay into the treasury of this State on or before the first day of March of each and every year, two per cent. on the gross earnings of said railroad, and shall from and after the expiration of ten years from the completion of said railroad, on or before the first day of March of each and every year pay into the treasury of this State three per cent. of the gross earnings of said railroad, and the payment of such per centum annually as aforesaid, shall be and is in full of all taxation and assessment whatsoever.

When exempt from assessment and taxation

And for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the treasurer of this State, on or before the first day of February in each year, the truth of which abstract shall be verified by affidavits of treasurer and secretary of said company and for the purpose of ascertaining the truth of such affidavits, and the

To ascertain gross of said road

correctness of such abstracts, full power is hereby vested in the Governor of this State, or any other person appointed by law prescribed, to examine under oath the officers and employees of said company, or other persons, and if any person so examined by the Governor, or other authorized person, shall knowingly or willingly swear falsely, concerning the matter aforesaid, every such person is declared to have committed perjury. And for securing to the State the payment of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of said company, and upon all the property, estate and effects of said company whatever, real, personal or mixed, and the lien hereby secured to the State, shall take and have precedence of all demands, decrees and judgments against said company.

When bond to be transferred to said company.

SEC. 4. And be it further enacted, that whenever the said parties herein named, or said corporation herein mentioned, their successors or assigns, shall fully complete said railroad, that the Governor of the State of Minnesota shall deliver, transfer and assign the said company hereinbefore mentioned, all the bonds issued by the Southern Minnesota railroad company, to the State of Minnesota.

Rights, privileges, etc., upon what condition to be transferred to said company

SEC. 5. And be it further enacted, that the rights, privileges, franchises, road-bed, right of way, properties and immunities hereinbefore granted and assigned, are so granted, transferred and assigned upon this express condition, that said Southern Minnesota railroad company shall build and construct ten miles of said railroad, within one year from the first day of January, 1861, and fifty miles of said road within two years from said first day of January, and fully build and construct and complete and fully equip said road from La Crescent *via* Chatfield to Rochester, and from Saint Paul and Saint Anthony *via* Minneapolis, to a point of junction at Shakopee, in the county of Scott, and thence on the present located line thereof to Mankato, within three years from the first day of January, 1861, and the whole of said line within ten years from the 3d day of March, 1857; and upon the failure to keep and perform either or any of the conditions in this section contained, all the unbuilt portions of said road, with the properties, rights and franchises appertaining thereto, shall be absolutely forfeited, and shall revert to the State without any other act or

ceremony whatever, in which case the State shall hold and possess the same in the like character she now holds them, without any merger or extinguishment to be used, granted and disposed of for the purpose of aiding the construction of said road.

To give bonds to be deposited with Treasurer—in what sum

SEC. 6. And be it further enacted, that as a condition precedent to the right of said persons or company hereinbefore mentioned, to receive the rights, privileges, franchises, road-bed, right of way, properties and immunities hereinbefore granted and assigned, and before any right or title whatever thereto, shall vest in said persons or company, said persons or company taking under this Act, shall be required as a guarantee of their good faith, to deposit with the Treasurer of the State of Minnesota, on or before the first day of July, A. D. 1861, ten thousand dollars in cash, or State or United States stocks at their current value in New York, which sum so deposited shall be absolutely forfeited to the State of Minnesota, upon the failure of said persons or company to complete ten miles of said railroad on or before the first day of January, A. D. 1862; *Provided*, That upon the construction of the said ten miles of railroad as aforesaid, said persons or company making such deposit as aforesaid, shall be and are hereby authorized to withdraw the said sum of money.

In case of failure to comply

SEC. 7. And be it further enacted, that upon the failure of said persons hereinbefore named to make the deposit provided for in the last section, any other persons or company shall be entitled to take and receive the privileges, properties, rights and franchises granted in and by this Act, upon making such deposit, and shall be subject to all the liabilities, conditions and forfeitures hereinbefore provided for.

Rights of pre-emptors

SEC. 8. And be it further enacted, that all persons, their heirs or legal representatives, who were entiled to the right of pre-emption under the laws of the United States to any of the lands granted to this State, by the act of Congress of March 3d, 1857, to aid in the construction of said road, at the time when the line of said road was definitely fixed and permanently located, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the company organizing under this Act, shall become entitled to the fee thereof, shall be at liberty to

purchase the same of said company for the sum of one dollar and twenty-five cents per acre; *Provided*, That application therefor, and proof of the right to purchase, shall be made within six months after the fee of said lands shall be acquired by said company as aforesaid.

SEC. 9. Be it further enacted, that this Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER V.

An Act to Facilitate the Construction of the Minnesota and Pacific Railroad.

SECTION 1. All lands, property, etc., belonging to said company prior to the foreclosure and sale by the Governor, are hereby restored to said company.
2. Commencement and completion of said road.
3. Time when certain portion of road shall be completed—forfeiture.
4. To pay to State Treasurer the costs and expenses of foreclosure and sale of said road.
5. To have power to enter upon and pass over the road of any other company.
6. Right of pre-emptors.
7. May reduce the number of directors.
8. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the road, lands, property, rights, franchises, privileges and immunities belonging or appertaining to the Minnesota and Pacific railroad company prior to the sale and purchase thereof by the Governor on the 23d day of June, 1860, on behalf of the State, and now claimed or held by the State, and all bonds and securities of the said company held by the State shall be and are hereby released, discharged and restored to the said company free of all liens or claims thereon held by or on behalf of the State.

All lands, properties, etc., restored to said company

SEC. 2. The provisions in this Act contained, are upon condition that said company shall commence the construction of that portion of said road and branch extending from Saint Paul to Saint Cloud and Sauk Rapids on or before the first day of July next, and to put the same

Commencement and completion of said road

into operation fully equipped for business within eighteen months thereafter, and to construct and put into operation and fully equip for business those portions of the main line of said road extending from St. Anthony *via* Minneapolis, westwardly to the west line of range thirty, and from Stillwater to St. Paul within fifteen months from the expiration of the time last aforesaid, and thereafter to continue to construct and put in operation and fully equip for business the said road or branch at the rate of thirty miles annually; and all of said road and branch on or before the 3d day of March, 1870.

Forfeiture for non-completion of said road

SEC. 3. The said company shall as a further consideration of this Act, construct and put into operation and fully equip for business that portion of the main line extending from St. Paul to St. Anthony on or before the first day of January next, in default of which, all the rights and benefits conferred upon said company by virtue of this Act, shall be forfeited to the State absolutely and without any further act or ceremony whatever; and in case the said company shall fail to construct the other and further portions of said road and branch as aforesaid at the time or times aforesaid, the said company shall forfeit to the State absolutely and without any further act or ceremony whatever, all the lands, property and franchises pertaining to the unbuilt portions of said road and branch, and in either case, or in any forfeiture whatever under the provisions of this Act, the State shall hold and be possessed of all such lands, property and franchises so forfeited without merger or extinguishment, to be used, granted or disposed of for the purpose of aiding and facilitating the construction of said road and branch.

To pay costs and expenses of sale and foreclosure of said road

SEC. 4. And be it further enacted that as a condition precedent to the right of said company to the rights, privileges, franchises, road beds right of way, properties and immunities hereinbefore granted and assigned or restored, and before any right or title whatever thereto shall vest in said company, said company shall pay to the State Treasurer the amount of legal costs and expenses incurred by the State in the foreclosure and sale of the said Minnesota and Pacific railroad, said expenses to be certified to by the Governor, and shall be required as a guaranty of their good faith, to deposit with the Governor of Minnesota, on or before the first day of July, 1861, ten thousand dollars in cash or State or United States stocks

at their current value in New York city, which sum so deposited shall be absolutely forfeited to the State of Hinnesota on failure of said company to construct said road from St. Paul to St. Anthony on or before the first day of January, 1862: *Provided*, That upon the construction thereof, said company so making such deposit shall be and are hereby authorized to withdraw said sum of money or stocks so deposited as aforesaid.

To have power to pass over road of any other company

SEC. 5. This company shall have the power to enter upon and pass over the railroad of any other company, whose railroad connects with that of this company, with their cars and engines, and any other company whose railroad connects with that of this company, shall have like power to enter upon the railroad and pass over the same with their cars and engines, and such reciprocal use of said respective roads, shall be upon such terms and conditions as shall be agreed upon by the said respective companies, and in case the two companies cannot agree upon said terms and conditions, then either party may, upon ten days notice, apply to the Governor of the State, who shall appoint three competent and disinterested persons to determine said terms and conditions, whose decision shall be final and conclusive for the period of three years, when and at the end of each three years, then either company may require a new appointment of persons in the manner aforesaid to re-adjust said terms and conditions.

Right of pre-emptors

SEC. 6. That all persons, their heirs or legal representatives, who were entitled to the right of pre-emption under the laws of the United States, to any of the lands granted to this State by the act of Congress of March 3d, 1857, for railroad purposes, at the time when the line of said road was definitely fixed and located, and which by this Act are restored to said company, and who have heretofore occupied the same in good faith, and shall have continued in the occupancy thereof at the time when the said company shall become entitled to the fee thereof, shall be at liberty to purchase the same of said company for the sum of one dollar and twenty-five cents per acre; *Provided*, That application therefor, and proof of the right to purchase, shall be made within six months after the fee of said lands shall be acquired by said company as aforesaid.

May reduce the number of directors

SEC. 7. The stockholders of said company may, by a vote of the majority thereof in interest, reduce the number of directors to seven, a majority of whom shall constitute a quorum.

Act, when to take effect

SEC. 8. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER VI.

An Act to locate a State Road from North Minneapolis to Kandiyohi in Kandiyohi county.

SECTION 1. Commissioners appointed.
2. Meeting of commissioners—time when.
3. May appoint substitutes.
4. Expenses, how paid.
5. Plat of road to be filed with Register of deeds—when.
6. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed

SECTION 1. That Isaac I. Lewis, Eli F. Lewis and V. P. Kennedy be and are hereby appointed commissioners to locate, mark, survey, and establish a State road from North Minneapolis, by the way of Watertown, Winstead, Greenleaf, and Acton to Kandiyohi, in Kandiyohi county.

Meeting of Commissioners—time when

SEC. 2. The said commissioners, or a majority of them, shall meet at the house of William H. Greenleaf, in the town of Greenleaf, on the second Monday in April next, and then proceed to locate and survey said road.

May appoint substitutes

SEC. 3. In case a majority of the above named commissioners should fail to convene on the day as provided in section two, it shall be the duty of the commissioner that may be in attendance on the day so specified to appoint substitutes.

Expenses, how paid

SEC. 4. The expenses incurred in the establishing and surveying of said road shall be paid by the several counties through which the road may pass.

SEC. 5. The map or plat, or survey of said road shall be filed by the commissioners in the offices of the several

registers of deeds of the counties through which the road may pass, on or before the first Monday in November, eighteen hundred and sixty-one. Plat of road to be filed with Register of deeds—when

SEC. 6. This Act shall take effect from and after its passage. Act, when to take effect

Approved February 12th, A. D. 1861.

CHAPTER VII.

An Act to Provide for the Location of a State Road from Chaska in Carver County, to Hutchinson in McLeod County.

SECTION 1. Commissioners appointed.
2. Meeting of commissioners—time when—power to fill vacancies.
3. To make accurate draft of said road—where to be deposited.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That E. Ellsworth, Ernst Heyd and D. J. Pettijohn are hereby appointed commissioners to mark out and locate a State road, commencing at Chaska, in Carver county, and thence by the nearest practicable route by way of Waconia, and Koniska, to Hutchinson in McLeod county. Commissioners appointed

SEC. 2. That said commissioners shall meet at Chaska, in Carver county, on or before the first Monday in September, A. D. 1861, and proceed to discharge their duties according to the provisions of this Act; *Provided*, That in the absence of any one of the said commissioners, the others shall have power to supply such vacancy and proceed to discharge their duties. Meeting of commissioners—time when—power to fill vacancies

SEC. 3. The aforesaid commissioners shall make an accurate draft of the location of said road, one copy of which shall be deposited in the office of the board of county commissioners of the respective counties into which said roads may pass, which counties shall be to all of the expenses of locating said road. To make accurate draft of said road—where to be deposited

SEC. 4. This Act shall take effect from and after its passage. Act, when to take effect

Approved February 12th, A. D. 1861.

CHAPTER VIII.

An Act to Provide for the Location of a State Road from Beaver to Rochester.

SECTION 1. Commissioners appointed.
2. Meeting of commissioners—power to fill vacancies.
3. May employ assistance.
4. Commissioners to procure right of way.
5. Expenses of said road—how paid.
6. To deposit plat of road.
7. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed

SECTION 1. That Frederick Johnson, John Rogers and J. Q. Spalding are hereby appointed commissioners to locate, survey and establish a State road from the town of Beaver in Winona county to the city of Rochester in Olmstead county, by the way of Johnson's mills on the middle branch of the White Water river.

Meeting of commissioners—power to fill vacancies

SEC. 2. The commissioners shall meet at such place as may be most convenient, on any day subsequent to the passage of this Act and proceed to discharge the duties imposed on them by the provisions of this Act; *Provided*, That in the absence of any one of said commissioners, the other two shall have the power to fill said vacancy, by the appointment of some suitable person who shall have the same authority as is by this Act conferred upon the said commissioners above named.

May appoint assistance

SEC. 3. The said commissioners are hereby empowered to employ one surveyor, two chain men and one axe man.

Commissioners to procure right of way

SEC. 4. That it shall be the duty of the said commissioners to appraise the damages sustained by each owner of land through which the said road shall pass; and in case any one shall feel aggrieved by said appraisal, he may within thirty days, appeal in writing to the chairman of supervisors of the town wherein said owner may reside; and the said supervisors shall cause a constable of his town to summon a jury of twelve freeholders, who shall

proceed to examine said road, a majority of whom shall determine the amount of damages if any, the said owner has sustained.

SEC. 5. That each county through which said road shall pass, shall pay the expenses incurred in the location of the same in proportion to the length of said road in each county; *Provided*, That no county shall be required to pay for the expense of survey of any portion of said road which may be laid upon any state or county road already laid out and established. Expenses of said road—how paid

SEC. 6. That the said commissioners shall cause to be deposited and filed in the office of the county auditor of the counties through which the said road may pass, a copy of the plat of said road, together with their appraisal of damages, an exemplification of which shall be legal evidence of the opening and existence of said road. To deposit plat of road

SEC. 7. This act shall take effect from and after its passage. Act, when to take effect

Approved February 16th, A. D. 1861.

CHAPTER IX.

An Act to Provide for Laying out a State Road from Fairhaven via Kingston, to a point at or near Round Lake, in Meeker County.

SECTION 1. Commissioners appointed.
2. Meeting of Commissioners.
3. To file plat of road.
4. Authorized to employ surveyor—compensation.
5. Power to fill vacancies.
6. Damages—how ascertained.
7. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Ephriam H. Whitney, Francis V. Decaster and Edwin Chapin are hereby appointed commissioners to locate a State road from Fair Haven in Commissioners appointed

Stearns county *via* Kingston to a point at or near Round Lake in Meeker county.

Meeting of commissioners

SEC. 2. Said commissioners shall meet at such point upon said route and at such time not later than the month of June next, as shall be designated by any two of their number, of which three days notice shall have been given by them to the third commissioner, and shall thence proceed as speedily as possible to lay out and mark said road by the most direct and feasible route.

To file plat of road

SEC. 3. Said commissioners shall, as soon as practicable, after laying such road, make out an accurate plat thereof and file a copy of such plat in the office of register of deeds of each county through any portion of which said road shall pass.

Authorized to employ surveyor —compensation

SEC. 4. Said commissioners are hereby authorized to employ a surveyor to aid in locating said road, and the services of said commissioners and of said surveyor shall be paid by the county of Meeker, *Provided, however*, That such commissioners shall not be paid at a higher rate than one dollar and fifty cents, nor such surveyor at a higher rate than three dollars per day, for each day necessarily spent in locating and platting such road and ascertaining and assessing the damages sustained by reason of laying out and opening said road.

Power to fill vacancies

SEC. 5. In case either of said commissioners shall fail or refuse to act in the location of such road, upon due notice, the other commissioners may appoint a substitute who shall act in his place; and, in the absence of any one of said commissioners, the other two may perform any act hereby provided to be done by all, after notice provided for in section two shall have been duly given.

Damages—how ascertained

SEC. 6. Any damages sustained by reason of laying out and opening said road shall be ascertained and assessed in the manner now provided by law, in cases of roads laid out, opened or altered by town supervisors, except that the commissioners appointed by this Act shall have the power and perform the duties in regard to this road, which by general law devolves upon town supervisors in regard to roads laid out and opened by them.

Act, when to take effect

SEC. 7. This Act shall take effect and be in force from and after its passage.

Approved February 28th, A. D. 1861.

CHAPTER X.

An Act to provide for the Location of a State Road from Minneapolis in Hennepin County, to Kandiyohi in Kandiyohi County.

SECTION 1. Commissioners appointed.
2. Route of said road.
3. To file plat of road.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. John T. Powers of Greenwood, Hennepin county, Jesse V. Branham and Thomas McGannon of Meeker county, are hereby appointed commissioners to establish and locate a State road from Minneapolis in Hennepin county, by way of Greenwood to Kandiyohi, in Kandiyohi county. Commissioners appointed

SEC. 2. The road heretofore located as the Minneapolis and Forest City road, is hereby adopted as the route of the road hereby authorized from Minneapolis to a point about nine miles southeast of Greenwood; and the road running from Rockford to Lake Howard in Wright county, is also adopted as a part of said road from a point about two miles west of Greenwood to Lake Howard. Route of said road

SEC. 3. The commissioners shall make a fair and accurate draft of the said road as located by them, one copy of which shall be deposited and filed in the office of the register of deeds of the respective counties through which said road may pass, *Provided*, That the State, or the counties through which said road may be located shall not be liable for the expense of locating the same. To file plat of road

Approved March 5th, A. D. 1861.

CHAPTER XI.

An Act to Provide for the Location of a State Road from Wheatland in Rice County, to Lakeville in Dakota County.

SECTION 1. Commissioners appointed.
2. Meeting of Commissioners—fill vacancies.
3. May employ Surveyor, etc.
4. Each County to pay share of expenses.
5. To file plat of road.
6. Act when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed

SECTION 1. That Henry Caskey, Lewis R. Hawkins, of Spring Lake, Scott county, and Z. Y. Hatch, are hereby appointed commissioners to locate, survey and lay out a State road from Wheatland in Rice county, to Lakeville in Dakota county in this State.

Meeting of commissioners—fill vacancies

SEC. 2. The commissioners shall meet at such place as may be most convenient, on any day subsequent to the passage of this Act, and proceed to discharge the duties imposed on them by the provisions of this Act.

Provided, That in the absence of any one of said commissioners, the other two shall have the power to fill said vacancy by the appointment of some suitable person, who shall have the same authority as is by this Act conferred upon the said commissioners above named.

May employ surveyor, etc.

SEC. 3. The commissioners are hereby empowered to employ one surveyor, two chainmen and one axeman.

To pay expenses

SEC. 4. That each county through which said road shall pass shall pay the reasonable expenses incurred in surveying and laying out of the same in such county.

To file plat of road

SEC. 5. The said commissioners shall file a plat of the survey of said road in the office of the county auditor of each of the counties through which said road may pass; which said plat shall be legal evidence of the location and existence of said road.

Act, when to take effect

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved March 4th, A. D. 1861.

CHAPTER XII.

An Act to legalize the State Road from St. Cloud to Breckinridge, and to authorize the opening and working portions thereof in the Township of St. Joseph in Stearns County.

SECTION 1. Said Road declared to be legally established road.
2. Town Supervisors to open and work said road.
3. Manner of ascertaining damages.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the State road from St. Cloud to Breckinridge, located and established under and pursuant to an act of the Legislative Assembly of the Territory of Minnesota, passed February 8th, 1858, entitled "an act to locate and establish a State road from St. Cloud to Breckinridge," and the act amendatory thereof entitled "an act to vacate a portion of the State road from St. Cloud to Breckinridge," approved August 2d, 1858, be and the same is hereby legalized and declared to be a legally established and located State road, any irregularity or defect in the laying out and establishing thereof to the contrary notwithstanding. Said road legally established

SEC. 2. That the town supervisors of the town of St. Joseph are hereby authorized and required to open and work, or cause to be opened and worked, such portion of said road as lies within and passes through said township of St. Joseph not already opened and worked; and for that purpose said supervisors are hereby authorized to enter upon, or cause to be entered upon and opened, all and every inclosure, inclosed, cultivated and improved lands through which said road passes at any and all times of the year, any provision of law to the contrary notwithstanding. Town supervisors to open and work said road

SEC. 3. The damages sustained by reason of the opening and working of said road, as provided by section 2d of this Act, shall be ascertained and determined by the said supervisors in the manner provided by the laws of this State now in force. Manner of ascertaining damages

Approved March 6th, A. D. 1861.

CHAPTER XIII.

An Act to Locate a State Road from Beaver to Elgin.

SECTION 1. Commissioners appointed.
2. Meeting of Commissioners—to fill vacancies.
3. May employ assistants.
4. To appraise damages—in what manner.
5. To file plat of road.
6. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed

SECTION 1. That Joseph Leatherman, Albert Glines and Sheldon Brooks, are hereby appointed commissioners to locate, survey and establish a State road from Beaver, Winona county, thence running nearly west, up Beaver Creek ravine until it shall strike the section line running east and west through the centre of the town of Plainview; thence running west on said section line as near as practicable, through said town of Plainview and town of Elgin, to the west line of said town of Elgin.

Meeting of commissioners—to fill vacancies

SEC. 2. Said commissioners shall meet at such place as may be deemed most convenient, on any day subsequent to the passage of this Act, and proceed to discharge the duties imposed on them by the provisions of this Act; *Provided*, That in the absence of any one of said commissioners the other two shall have power to fill said vacancy.

May employ assistants

SEC. 3. That the said commissioners are hereby empowered to employ one surveyor, three chainmen, and one axeman.

To appraise damages—in what manner

SEC. 4. That it shall be the duty of the said commissioners to appraise the damages sustained by each owner of land through which the said road shall pass; *Provided*, That in case any of the said owners shall feel himself aggrieved by said appraisal, he may within thirty days appeal in writing to the chairman of supervisors of the town wherein the said owner may reside, and the said supervisor shall cause a constable of his town to summon a jury of twelve freeholders who shall proceed to examine said road, a majority of whom shall determine the amount of damages, if any, the said owner has sustained.

SEC. 5. That said commissioners shall cause to be filed and deposited in the office of register of deeds of the counties through which the said road may pass, a copy of the plat, an exemplification of which shall be legal evidence of the opening and existence of said road. To file plat of road

SEC. 6. This Act shall take effect and be in force from and after its passage. Act, when to take effect

Approved March 6th, A. D. 1861.

CHAPTER XIV.

An Act to Provide for the Location of a State Road from Brownsdale in Mower County, to a point of intersection with the La Crosse and Mankato State Road in said County.

SECTION 1. Commissioners appointed.
2. Meeting of Commissioners—when to fill vacancies.
3. Deposit draft of said road.
4. Who not to pay expenses of location of said road.
5. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That A. D. Brown, G. White and Robert Reed are hereby appointed commissioners, to mark out and locate a State road, commencing at the north terminus of Mill street in the village of Brownsdale in Mower county, and thence by the nearest and most practicable route to a point of intersection with the La Crosse and Mankato State road in said county. Commissioners appointed

SEC. 2. That said commissioners shall meet at the village of Brownsdale, on or before the fifteenth day of October, A. D. 1861, and proceed to discharge the duties imposed upon them by the provisions of this Act; *Provided*, That in the absence of any one of said commissioners, the others may supply said vacancy by appointing another commissioner, or, in case a majority of them meet, may proceed to discharge their duties. Meeting of commissioners—when to fill vacancy

SEC. 3. That said commissioners shall make a fair

Deposit draft of said road

and accurate draft of the location of the road, a copy of which shall be deposited with the register of deeds of said county.

Who not to pay expenses of location of said road

SEC. 4. That neither the State of Minnesota, the county of Mower or any town through which the located line of road may pass, shall ever be liable for any expense whatever, accruing from the location of said road.

Act, when to take effect

SEC. 5. This Act shall take effect from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER XV.

An Act to Provide for Laying out a State Road from Sauk Rapids to Fortuna.

SECTION 1. Commissioners appointed.
2. When and where to meet—to fill vacancies.
3. To designate when to begin operations.
4. Expenses to be paid by the counties through which said road passes.
5. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed

SEC. 1. That Charles A. Gillman, William Smith and Adolph Munch be, and they are hereby appointed commissioners to locate and mark a State road, commencing at Sauk Rapids in Benton county, and from thence on the most direct and feasible route to intersect the road located from St. Paul on the south side of Snake River to Lake Superior, at such point as the said commissioners may deem best.

When and where to meet—to fill vacancies

SEC. 2. That said commissioners shall meet at Sauk Rapids, on the first of October next, and in case any of the commissioners appointed by this Act neglect or refuse to act as provided by this Act, the others shall appoint some reliable person or persons to fill such vacancy.

To designate when to begin operations

SEC. 3. That at the first meeting of said commissioners, they shall designate the time when they will commence the laying out said road, and may adjourn from time to time as may in their opinion be necessary.

SEC. 4. That the necessary expenses incurred for lay-

ing out said road, shall be paid by the counties through which said road shall pass, in proportion to the length of said road in such counties, the amount to be paid by each county respectively, to be assessed by the commissioners who shall lay out and mark said road. Expenses to be paid by counties through which said road passes

SEC. 5. This Act shall take effect and be in force from and after its passage. Act, when to take effect

Approved March 7th, A. D. 1861.

CHAPTER XVI.

An Act to Provide for the Location and Construction of a State Road from the City of Saint Paul in Ramsey County, to the Town of Owatonna in Steele County.

SECTION 1. Commissioners appointed—who to fill vacancies in case of neglect to serve.
2. When and where said Commissioners to meet—to file plat of road.
3. Who to pay expenses.
4. Width of road—counties through which road passes to be at no expense.
5. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Peter Berkey, William Branch, and Charles N. Mackubin are hereby appointed commissioners to survey and locate a State road commencing at some point on the west bank of the Mississippi River opposite Saint Paul, to be selected by said commissioners or a majority of them; thence running by the shortest and best route to the town of Owatonna in Steele county, with a branch to Lakeville in the county of Dakota, and to that end the said commissioners are authorized to enter upon and cross the lands of any party or parties, and to take any lands necessary to be used for such road, upon first paying compensation therefor in the manner prescribed by law, in cases where roads are laid out and opened by town supervisors, and if any one of said commissioners shall neglect or refuse to serve, the judge of the district Commissioners appointed—who to fill vacancies

court of the second judicial district is hereby authorized and required to fill such vacancy.

When and where commissioners are to meet—to file plat of road

SEC. 2. The said commissioners shall meet in the city of SaintPaul on the first Monday in April, A. D. 1861, or as soon thereafter as they deem expedient, and shall within thirty days after their first meeting, proceed to survey and locate said road, and they shall make or procure to be made, a plat of said road and have the same filed in the office of the proper town clerks as required by section four of article three of chapter four of the laws of 1860, of town supervisors.

Who to pay expenses

SEC. 3. The city of Saint Paul is hereby authorized and empowered to expend upon the laying out and constructing of said road, a sum not exceeding twenty-five thousand dollars, but such sum shall not be expended except upon the vote of two thirds of all the members of the common council appropriating the same or some part thereof to be approved by the Mayor; and said appropriation may be made out of the city treasury or by city bonds to be issued by said city, bearing interest at a rate not exceeding seven per cent. per annum, and to run not less than fifteen years.

Width of road—counties through which road passes to be at no expense

SEC. 4. The road provided to be opened under the provisions of this Act, shall be four rods wide, and shall be opened and constructed without any expense to the counties or towns through which it shall pass, unless the towns or counties shall, by a vote of the electors of such town or county, at a general election or a special election to be called therefor, appropriate money for that purpose, which they are hereby authorized to do; *Provided*, that twelve days notice shall have been given prior to such election that the question of appropriating money for the purpose of building such road will be submitted to the electors of such election.

Act, when to take effect

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XVII.

An Act to Vacate Certain Roads in Dodge County

SECTION 1. What roads to be vacated.
2. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of the Arnoldsville and Cannon Falls, and so much of the Winona, Rochester, and Owatonna State roads as are located between the south end of Branch street in the village of Mantorville and the north line of the south half of section twenty one, (21) in town one hundred and seven, (107) north of range sixteen, (16) west of the fifth principal meridian, be, and the same is hereby vacated. What roads to be vacated

SEC. 2. This Act shall take effect and be in force from and after its passage. Act, when to take effect

Approved March 5th, A. D. 1861.

CHAPTER XVIII.

An Act to Vacate a Portion of the Waterville and Owatonna State Road.

SECTION 1. What portion of said road vacated.
2. Location of road in lieu of that portion vacated.
3. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That portion of a State road running from Waterville in LeSueur county, to Owatonna in Steele county, that is located across section five, (5) in township one hundred and seven, (107) north, range number twenty-one west, be, and the same is hereby vacated. What portion of said road vacated

Location of road in lieu of that portion vacated

SEC. 2. That in lieu of the portion of the road hereby vacated, the said road shall run on the section line between sections five (5) and eight, (8) of the township and range mentioned in section one (1) of this Act, to the south west corner of said section five, (5) thence north on the section line between sections five (5) and six, (6) till it intersects the said Waterville and Owatonna State road, as now located.

Act, when to take effect

SEC. 3. This Act shall take effect from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER XIX.

An Act to Authorize the City of Wabashaw to Loan its Bonds to the Mississippi Plank Road and Ferry Company.

SECTION 1. Who to issue bonds—in what amount.
2. In what sums each—to bear what interest.
3. Under what conditions bonds to be issued.
4. Who to execute and deliver the bonds—to be limited, in what sum.
5. Provision for the payment of interest and principal of said bonds.
6. Subject to be submitted to the electors of said incorporation.
7. Act—when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Who to issue bonds—in what amount.

SECTION 1. The common council of the city of Wabashaw may issue bonds under its corporate seal and the signatures of the Mayor and Recorder, to an amount not to exceed six thousand dollars, and may loan the same to the Mississippi Bottom Plank Road and Ferry Company,—a company incorporated by the legislature of the State of Wisconsin and approved by the Governor March 31st, 1860, to be located in the county of Buffalo in said State.

In what sums each—to bear what interest

SEC. 2. The said bonds to be issued in sums not less than twenty-five dollars each, and to bear interest at the rate of twelve per cent. per annum interest, payable an-

nually at the treasurer's office in the city of Wabashaw, and the principal reimbursable at any time within twelve years from the time of issuing.

SEC. 3. No portion of the above recited bonds shall be issued or loaned to said company until tho following requirements have been carried fully into effect, viz:— The Mississippi Bottom Plank Road and Ferry company shall execute to the city of Wabashaw its mortgage to the amount of six thousand dollars on their real estate, road, ferry and appurtenances, to secure the payment of the interest and principal of the bonds to the city, herein authorized to be issued

Under what conditions bonds to be issued

SEC. 4. Upon the execution and delivery to the common council of the bond and mortgage, as provided for in the preceding section, the Mayor and Recorder of the city shall execute and deliver to the Mississippi Bottom Plank Road and Ferry company, the bonds of the city as authorized by the first section of this Act. The bonds shall be issued from time to time, as the same may be required by the company, but no issue shall be made at any one time exceeding the sum of one thousand dollars, and after the first issue shall have been delivered to said company, no subsequent issue shall be demanded or authorized until the company has furnished satisfactory evidence to the common council of said city, that the proceeds of the preceding issue of bonds have been actually expended for the construction of said road and ferry, and that the additional issue called for is necessary for the further prosecution or completion of their work.

Who to execute and deliver bonds—in what sum limited

SEC. 5. The entire revenue of the road and ferry from tolls, after deducting necessary expenses and repairs, shall be pledged to the payment of the interest and principal of said bonds, and shall be paid quarterly to the treasurer of the city of Wabashaw by said company, and shall be appropriated by the common council of said city for no other purpose except for the payment of the interest and principal on said bonds. In case said sum should be inadequate for the prompt or full payment of the principal or interest due on said bonds, the common council of said city of Wabashaw shall and are hereby authorized to levy a special tax at any of their meetings in the month of August in each year, for the purpose of meeting any deficiency in paying said bonds, on the taxable property

Provision for the payment of principal and interest of said bonds

of said city, to be collected and paid over to the Treasurer of said city at the same time other taxes are, which shall not be appropriated for any other purpose except in satisfaction of said Bonds. Said tax in no one year shall exceed two mills on the dollar.

Subject to be submitted to the electors of said incorporation

SEC. 6. This Act shall not take effect until it has been submitted to the electors of the city of Wabashaw, qualified to vote at an election for charter officers of said city, which election shall be held for the purpose of determining whether it is expedient for the common council of said city to loan the corporate bonds to the said company as herein provided. The said election shall be conducted in the same manner as the charter election is now conducted in said city, and all the provisions of law relating to the same are hereby extended to, and made applicable to said election. The said inspectors of said election shall provide a box in which each elector qualified to vote at the time of said election shall deposit a ballot, on which shall be written or printed the words, "For the Loan," or the words, "Against the Loan." The said ballot box shall be kept open for the reception of ballots from twelve o'clock M., until five o'clock P. M., and the said inspectors shall immediately thereafter, canvass the ballots deposited, and certify the same to the common council of said city, the result of canvass designating how many votes were received for the loan, and how many were received against the loan. And said common council shall cause the same, within one week after said election, to be recorded in their minutes of proceedings, designating the number of votes given for the loan and also the number given against the loan, and certify to the Road and Ferry company, that the same has been approved and confirmed or not approved and confirmed, as the case may be, by a majority of all the electors who have voted at said election.

Act, when to take effect

SEC. 7. This Act shall take effect from and after its passage.

Approved February 25th, A. D. 1861.

CHAPTER XX.

An Act relative to the Fort Street Road, in the County of Ramsey.

SECTION 1. Said road to continue as laid out, and platted by the acts approved July 27, 1858, and May 23, 1857.
2. Commissioners appointed—who to fill vacancies in case of neglect to serve.
3. To give oath for faithful performance of their duties—to cause notice to be published of the time and place of meeting, and the purpose of the meeting—commissioners to examine property taken by said road—powers of said commissioners—to make assessment—injury, and how awarded—award of assessment to be signed by commissioners, and delivered to whom—award by whom confirmed—what made a part of this act.
4. Duty of Treasurer.
5. Sale—how to be conducted.
6. Damages and benefits due to and from the same person—how satisfied.
7. Proceedings against validity of sale—how commenced.
8. Duty of Treasurer after sale shall be concluded.
9. Compensation of commissioners and secretary.
10. Discharge of commissioners.
11. County commissioners authorized to issue bonds.
12. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the public street or road heretofore laid out, established and platted from the westerly termination of Fort street in the city of St. Paul, to the westerly limits of said city, and from thence to the ferry landing opposite Fort Snelling, by the commissioners appointed by a certain act approved July 27th, 1858, entitled "an act supplemental to an act relative to an improvement in the city of St. Paul, approved May 23, 1857, and to amend the same," shall continue as so laid out, established and platted.

Said road to continue as laid out and platted by the acts approved July 27, 1858, and May 23, 1857

SEC. 2. Nathaniel McLean, J. W. Selby and Parker Paine are hereby appointed commissioners to carry out the requirements of this act; and should either of said commissioners decline or be unable to act, the Judge of the District Court of the Second Judicial District shall appoint some person to fill the vacancy of such commissioner, and said Judge shall also supply any vacancy which may occur in the place of any commissioner appointed by him, and said commissioners shall have power to elect a secretary.

Commissioners appointed—who to fill vacancies

SEC. 3. The said commissioners shall proceed as follows:

First. Immediately after the passage of this Act, or their appointment, and before entering upon their duties, they shall take and file with the register of deeds of said county, an oath to discharge their duties as such commissioners with impartiality and fidelity, and to make due return of their doings as required by law.

To give oath for the faithful performance of their duties

Second. Said commissioners, within ten days after the passage of this Act, shall cause a notice to be published once in each week for three successive weeks, in two newspapers published in said city of St. Paul, that they will meet at a time and place therein specified, to ascertain and assess the damages and recompense to be paid to the owners of lands and buildings heretofore taken by said street or road, and at the same time to determine what property has been benefitted or injured by such improvement, and assess the damages and expenses thereof on the real estate benefitted.

To cause notice to be published of the time and place of meeting, and the purpose of the meeting

Third. The said commissioners, previous to the day fixed in said notice, and as often thereafter as they may deem advisable, shall proceed in a body to view the property taken by said street or road, and also such premises as have been benefitted thereby.

Commissioners to examine property taken by said road

Fourth. Said commissioners shall meet at the time and place designated in said notice, and may adjourn from day to day for the purpose of hearing testimony and evidence on the part of parties interested, which said evidence shall be reduced to writing by their secretary, and either of the said commissioners shall be authorized to administer the necessary oaths to witnesses.

Powers of said commissioners

Fifth. After viewing the premises and hearing such testimony as may have been offered, the said commissioners shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate and buildings appropriated for the improvement, and the injury arising to them respectively in consequence thereof, which shall be awarded to such owners as damages.

To make assessment

Sixth. If the land be subject to lease, mortgage, judgment or other lien, or if there be any other estate in it less than an estate in fee, and such fact be known to the commissioners, the injury done to such persons' in-

Injury, and how to be awarded

terests may be awarded to them by said commissioners.

Seventh. Having ascertained the damages and expenses of said improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs and expenses of the proceedings prospective, as well as those already incurred, upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall describe the real estate upon which said assessments are made. The award of said commissioners shall be signed by them, and delivered to the Judge of the District Court of the Second Judicial District, together with the testimony taken, and a full statement of the proceedings of said commissioners in the premises, within ninety days after the passage of this Act.

Award of assessment to be signed by commissioners, and delivered to whom

Eighth. The said Judge shall immediately thereafter cause notice to be published for one week, in two newspapers published in said city of St. Paul, that such award, testimony and statement have been delivered to him, and that on a day and at a place to be named therein, he will confirm said award, and every act and proceeding of said commissioners, unless objections are made thereto at that time and place in writing; such objections so made on said day, may be heard by said Judge on said day, or at any time to which such hearing may be adjourned by him; and any disputed question of fact may be referred by said Judge to a jury for their determination, if the same is requested by any person interested; said judge may confirm or annul said proceedings, and confirm or modify said award, or refer the whole subject back to the commissioners. If annulled, all the proceedings shall be void, and the commissioners shall proceed *de novo*, and make their report within such time as the said Judge may prescribe. If said proceedings are confirmed, and said award confirmed or modified, the decision of such Judge upon said proceedings and award shall be final, and such Judge shall file the testimony, statement of the proceedings of said commissioners, their award, proof of the publication of the notices hereby required, and his order in the premises, with the clerk of the court, who shall deliver to the county treasurer immediately thereafter, a certified copy of said

Award by whom confirmed

award as confirmed or modified by said Judge; and thereupon said street or road shall become the property of the public. If referred back to said commissioners, they shall take the same proceedings, and the said Judge shall act thereon in like manner as above required, and with the like effect; and if more than once referred back to said commissioners, the same proceedings on the part of said commissioners and said Judge, with like effect, shall ensue as often as such reference shall take place. Said Judge shall have power, in his discretion, to enlarge the time in which said commissioners shall make their return or do any other act.

What made a part of this act

Vinth.—Subdivision 15 of section 2 of chapter 6 of city charter of the city of Saint Paul, approved March 20, 1858, is hereby made a part of this Act.

SEC. 4. Within one month after the receipt of said report by said treasurer, the parties owning lands assessed for benefits shall pay the amount thereof to such treasurer; and if such payment is not made within said time, the said treasurer shall sell the lands upon which assessments shall remain unpaid to the highest bidder at public auction, at his office in the city of Saint Paul, after giving three weeks public notice of the time and place of such sale by publication once a week in some newspaper published in said city, to satisfy the assessment, penalty and cost thereon. Such notice shall contain a description of the property, and the names of the owners, if known, and shall also state when the same may be redeemed.

Duty of Treasurer

SEC. 5. Said sale shall be conducted, and redemptions therefrom made, and the like duties be performed, and privileges allowed, and proceedings take place in reference thereto, and with like effect, as are provided by law in reference to sale of lands for delinquent taxes, except that all redemptions shall be made in two years after sale, and deeds given at the expiration of such period, by the officer authorized by law to give deeds in case of sale for delinquent taxes, and no notice shall be required to be given of the execution of such deeds.

Sale—how to be conducted

SEC. 6. Where damages and benefits are due to and from the same persons, they shall be satisfied by the treasurer *pro tanto*, as well before as after sale.

Damages and benefits due to and from the same person—how satisfied

SEC. 7. No proceeding shall be entertained to affect

the validity of said sale, unless commenced within one year thereafter. Proceedings against validity of sale conditional

SEC. 8. As soon as said sale shall be concluded, the treasurer shall distribute all collections made by him, *pro rata*, to the parties entitled to damages. All damages remaining unpaid after such distribution, shall draw interest at the rate of ten per cent. per annum, from the day of sale; and the treasurer, immediately after the expiration of the year's time for redemption, and as often previous thereto as there is a sufficient amount in his hands to justify the same, shall apply the redemption moneys collected by him, towards the payment thereof. All moneys remaining, after the payment of such damages and interest, shall belong to the county, and said county, at the expiration of the time for redemption, and not before, shall satisfy and pay the damages and interest remaining due and unpaid. Duty of treasurer after sale shall be concluded

SEC. 9. The fees of the commissioners and secretary shall be two dollars per day, for every day necessarily employed in the performance of their duties. The treasurer's, auditor's and printer's fees shall be as now prescribed by law in reference to taxes. All costs and expenses of the proceedings shall, in the first instance, if the parties demand it, be paid out of the county treasury. Compensation of commissioners and secretary

SEC. 10. The commissioners appointed under the act mentioned in section one, are hereby prohibited from taking any further proceedings under the same. Discharge of commissioners

SEC. 11. The county commissioners of said county, are hereby authorized, if they think it advisable, to issue the bonds of the county, bearing interest at the rate not exceeding seven per centum per annum, to take up the bonds heretofore illegally issued for the improvement of Fort street; *Provided however*, That no more than sixty per cent. upon the dollar of the amount due upon any such bonds shall be so paid, and any bonds so taken up, shall be delivered up to be cancelled in full. County commissioners authorized to issue bonds

SEC. 12. This Act shall take effect and be in force from and after its passage. Act, when to take effect

Approved March 12th, A. D. 1861.

CHAPTER XXI.

An Act to Change the Boundary Line between the Counties of Wright and Stearns.

SECTION 1. Boundary lines established and defined.
2. Electors to vote for or against new boundary lines.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundary lines established and defined

SECTION 1. The boundary line between the counties of Wright and Stearns shall be as follows, to wit: Beginning at a point in the centre of the channel of the Mississippi, and on the line between sections eight and nine, in township one hundred and twenty-two, north of range twenty-six west; thence running in a southerly direction on section lines to the southeast corner of section thirty-two of said township; thence in a westerly direction on the south line of said township, to the northeast corner of township one hundred and twenty-one, north of range twenty-seven west; thence in a southerly direction on the east line of said township to the southeast corner thereof; thence in a westerly direction on the township line, to the southwest corner of township one hundred and twenty-one, north of range twenty-eight west; thence in a northerly direction, along the west line of said township to its intersection with the north line of Meeker county.

Electors to vote for or against new boundary lines

SEC. 2. At the general election to be held in October, 1861, the electors of said counties shall vote upon the adoption of said boundary line by ballot, written or printed as follows:

"For new boundary between Wright and Stearns counties," or "Against new boundary line between Wright and Stearns counties."

Act, when to take effect

SEC. 3. This Act shall take effect, upon the proclamation of the Governor, of the adoption of the same by a majority of the electors of the counties of Wright and Stearns respectively, present and voting thereon, at the next general election.

Approved March 8th, A. D. 1861.

CHAPTER XXII.

An Act to Establish and Define the Boundaries of Lincoln county.

SECTION 1. Boundaries established and defined.
2. County seat—where.
3. Attached to fourth judicial district.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much territory as is embraced in the following boundaries be, and the same is hereby established as the county of Lincoln: Beginning at the northeast corner of town one hundred and seventeen, of range thirty-one; thence in a southerly direction, along the range line between ranges thirty and thirty-one to the southeast corner of town one hundred and fifteen, of range thirty-one; thence in a westerly direction, along the town line between towns one hundred and fourteen and one hundred and fifteen, to the southwest corner of town one hundred and fifteen of range thirty-five; thence in a northerly direction, along the range line between ranges thirty-five and thirty-six, to the north-west corner of town one hundred and sixteen of range thirty-five; thence in an easterly direction, along the town line between towns one hundred and sixteen, and one hundred and seventeen to the northeast corner of town one hundred and sixteen, of range thirty-three; thence in a northerly direction, along the range line between ranges thirty-two and thirty-three, to the north-west corner of town one hundred and seventeen, of range thirty-two; thence east to the place of beginning. Boundaries established and defined

SEC. 2. The county seat of said county is hereby established at the town of Lowell. County seat—where

SEC. 3. Said county shall be attached to the fourth judicial district for judicial purposes. Attached to 4th Judicial District

SEC. 4. This Act shall take effect on the proclamation by the Governor, of its adoption by a majority of the electors of the counties affected thereby, present and voting thereon at the next general election. Act, when to take effect

Approved March 8th, A. D. 1861.

CHAPTER XXIII.

An Act to Define the Boundaries of Meeker County.

SECTION 1. Boundary lines established and defined.
2. All other acts relating to same, repealed.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundary lines established and defined

SEC. 1. The following lines are established as the boundary lines of the county of Meeker: Beginning at the southeast corner of town one hundred and eighteen, (118) of range twenty-nine, (29) running thence in a westerly direction twenty-four (24) miles along the line between towns one hundred and seventeen (117) and one hundred and eighteen, (118) to the southwest corner of town one hundred and eighteen, of range thirty-two, thence in a northerly direction, along the range line between ranges thirty-two (32) and thirty-three, (33) to the northwest corner of town one hundred and twenty-one, (121) of range thirty-two, (32) thence in an easterly direction, along the town line between towns one hundred and twenty-one (121) and one hundred and twenty-two, (122) to the north-east corner of town one hundred and twenty-one (121) of range thirty, (30) thence in a southerly direction three miles, to the southwest corner of section eighteen, (18) of town one hundred and twenty-one (121) of range twenty-nine, (29) thence in an easterly direction along the section lines to the southeast corner of section thirteen (13) of town one hundred and twenty-one, (121) of range twenty-nine, (29) thence in a southerly direction along the line between ranges twenty-eight (28) and twenty-nine (29) to the place of beginning.

All other acts relating to same repealed

SEC. 2. All other acts or parts of acts in relation to the boundaries of the above named county heretofore passed, are hereby repealed.

Act, when to take effect

SEC. 3. This Act shall take effect from and after its provisions are adopted by a majority of the voters, voting in the counties affected thereby, at the next general election.

Approved March 8th, A. D. 1861.

CHAPTER XXIV.

An Act to Change the Boundary Lines of Aiken County, and to Define the Same.

SECTION 1. Boundaries established and defined.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The boundary lines of Aiken county shall be as follows: Beginning at the southeast corner of township forty-three of range twenty-two, thence north along the range line, between ranges twenty-one and twenty-two to the north-east corner of township forty-seven, of range twenty-two; thence west, along the correction line, between townships forty-seven and forty-eight to the Mississippi river; thence down the main channel of said river to the line between ranges twenty-seven and twenty-eight; thence south, along said last named range line to the south-west corner of township forty-four, of range twenty-seven; thence east, along the township line between townships forty-three and forty-four to the south-west corner of township forty-four, of range twenty-four; thence south, along the range line to the south-west corner of township forty-three, of range twenty-four; thence east, along the township line between townships forty-two and forty-three to the place of beginning. Boundaries established and defined

SEC. 2. This Act shall take effect on the proclamation of the Governor, of the adoption of the same by a majority of the electors of the counties of Pine and Ramsey, present and voting thereon at the next general election. Act, when to take effect

Approved March 7th, A. D. 1861.

CHAPTER XXV.

An Act to Change a part of the Boundary Line between the Counties of Goodhue and Dakota.

SECTION 1. Boundary line defined.
2. Electors to vote for or against change of boundary line.
3. If majority for change, proclamation thereof to be made by publication in newspapers in each county.
4. Parts of act inconsistent with this Act, repealed.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundary line defined

SECTION 1. The boundary line between Goodhue and Dakota counties shall be as follows: Commencing at the northeast corner of Rice county, thence north, following the township line between ranges eighteen and nineteen, west of the fifth principal meridian to the centre of the channel of the Cannon river; thence down said river in the middle of the same, to the township line between ranges sixteen and seventeen west; thence north six miles, to the township line between townships one hundred and thirteen and one hundred and fourteen; thence east three miles on said line; thence north on the section line, across the centre of township one hundred and fourteen, range sixteen west, to the centre of the channel of the Mississippi river.

Electors to vote for or against change of line

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers in Goodhue and Dakota counties, required by law to give notice of such election, to give notice in like manner that at said election a vote will be taken on the question of changing the boundary line between said counties, in accordance with the provisions of this Act. At said election, the voters in each of said counties in favor of the change proposed by this Act, shall have distinctly written or printed on their ballots, "For change of county line between Goodhue and Dakota," and those opposed to said change, "Against change of county line between Goodhue and Dakota. The votes shall be canvassed in the same manner, and returned to the same officer by the judges of election of the several townships, as votes for State officers.

SEC. 3. The county officers to whom the returns are made in each of said counties shall, within twenty days after said election, canvass the votes returned for and against change of county line, and shall forthwith certify the result of such canvass to the Secretary of State, who, if it appears that a majority of the votes in each county on the question of changing the county line are in favor of such change, shall make proclamation thereof, by causing to be published in one newspaper in each of said counties, that the change proposed by this Act has been ratified by a majority of the voters of each county.

If majority are for change, proclamation to be made by publication in newspapers in each county

SEC. 4. That so much of sections nine (9) and twenty (20), on pages eighty-four (84) and eighty-seven (87) of the compiled statutes as are in conflict with the provisions of this Act, are hereby repealed.

Parts of act inconsistent with this Act, repealed.

SEC. 5. This Act shall take effect and be in force from and after its ratification by the voters of Goodhue and Dakota counties as provided in this Act.

Act, when to take effect

Approved March 8th, A. D. 1861.

CHAPTER XXVI.

An Act to Change the Boundary Line between Scott and Dakota Counties.

SECTION 1. Boundary defined.
2. Electors to vote at general election for or against change of boundary line.
3. If majority of votes are for change of boundary line, proclamation thereof to be made in newspapers of each county.
4. Township lines to be changed to conform to county line.
5. Parts of act inconsistent with this Act repealed.
6. All acts or parts of acts inconsistent with this Act repealed.
7. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The boundary line between Scott and Dakota counties shall be as follows: Commencing at the southeast corner of township one hundred and thirteen (113) north of range twenty-one (21) west, thence running west one and one-half miles on the south line of said township to the one-quarter (¼) post on the south line of

Boundary defined

section thirty-five (35) in said township, thence running north on the one-quarter (¼) section line to the south line of township twenty-seven, (27) north of range twenty-four (24) west, thence west on township line to the southwest corner of section thirty-three (33) in said township twenty-seven, (27) thence north on section line to the middle of the channel of the Minnesota river.

SEC. 2. At the time of giving notice of the next election of members of the House of Representatives, it shall be the duty of the officers in Scott and Dakota counties required by law to give notice of such election, to give notice in like manner that at said election a vote will be taken on the question of changing the boundary line between said counties, in accordance with the provisions of this Act. At said election the voters in each of said counties in favor of the change proposed in this Act shall have distinctly written or printed on their ballots: "For change of county line;" and those opposed to said change: "Against change of county line." The votes shall be canvassed in the same manner, and returned to the same officer, by judges of election of the several townships, as votes for members of the House of Representatives.

Electors to vote for or against change of line

SEC. 3. The county officers to whom the returns are made in each of said counties shall, within twenty days after said election, canvass the votes returned for and against change of county line, and shall forthwith certify the result of such canvass to the Governor, who, if it appears that a majority of the voters in each county, on the question of changing the county line are in favor of such change, shall make proclamation thereof by causing to be published in one newspaper of each of said counties, that the change proposed by this Act has been ratified by a majority of the voters of said counties.

If majority are for change of line, proclamation to be made in newspapers of each county

SEC. 4. In case the proposed change shall be adopted by the voters of Scott and Dakota counties, the limits of the organized townships bordering on the county line as it now exists, shall be so changed as to conform to the county line as proposed by this Act.

Township lines to be made to conform to county line

SEC. 5. That so much of sections nine (9) and ten, (10) pages eighty-four (84) and eighty-five (85) of the compiled statutes as are in conflict with the provisions of this Act are hereby repealed.

Parts of act inconsistent with this Act, repealed

SEC. 6. That all acts or parts of acts inconsistent with this Act be and the same are hereby repealed. All inconsistent acts repealed

SEC. 7. This Act shall take effect and be in force from and after its ratification by the voters of Scott and Dakota counties, as provided in section two of this Act. Act, when to take effect

Approved March 8th, A. D. 1861.

CHAPTER XXVII.

An Act to Amend an Act to Define the Boundaries of Monongalia County.

SECTION 1. Boundaries established.
2. Name of county.
3. Commissioners appointed.
4. When to meet.
5. To select temporary county seat.
6. Acts repealed.
7. Officers appointed, to qualify and file bonds.
8. How attached for judicial and election purposes.
9. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much territory as is embraced in the following boundaries, be and the same is hereby established as the county of Monongalia: Beginning at the southeast corner of town one hundred and twenty (120), of range thirty-three (33), and running thence in a westerly direction along the line between towns one hundred and nineteen (119) and one hundred and twenty (120), to the southwest corner of town one hundred and twenty (120), of range thirty-six (36); thence in a northerly direction along the range line, between ranges thirty-six (36) and thirty-seven (37), to the northwest corner of town one hundred and twenty-two (122), of range thir- Boundaries established

ty-six (36); thence in an easterly direction, along the line between towns one hundred and twenty-two (122) and one hundred and twenty-three (123), to the northeast corner of town one hundred and twenty-two (122), of range thirty-three (33); thence in a southerly direction along the line between ranges thirty-two (32) and thirty-three (33) to the place of beginning.

Name of county

SEC. 2. The name of the above included county shall be Monongalia.

Commissioners appointed

SEC. 3. That Samuel Jones, Andrew Anderson and Andrew Railson are hereby appointed commissioners, with full powers to appoint all officers necessary to perfect a county organization.

When to meet

SEC. 4. Said commissioners shall meet at such time and place as a majority may agree upon, before the first day of July next ensuing, and proceed to perform the duties herein provided.

To select temporary county seat

SEC 5. The above named commissioners shall, at said first meeting, proceed to select a temporary county seat, which shall remain the county seat of said county until removed by a vote of the majority of the voters living in said county.

Acts repealed

SEC. 6. All acts or parts of acts heretofore passed in relation to the above included territory are hereby repealed.

Officers appointed, to qualify and file bonds

SEC. 7. All county officers appointed by the above named commissioners shall qualify and file bonds, in accordance with the law in relation to the election of said county officers.

How attached for judicial and election purposes

SEC. 8. Said county shall be attached to the fourth judicial district for judicial purposes, and to the sixth senatorial district for election purposes.

Act, when to take effect

SEC. 9. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXVIII.

An Act Changing the Boundary Lines of Sherburne County.

Section 1. Boundary established and defined.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. The boundary lines of Sherburne county shall be as follows: Beginning at the intersection of the Mississippi river and the range line between range twenty-five (25) and twenty-six (26); thence north on said line to the township line between townships thirty-five (35) and thirty-six (36); thence west on said line to the Mississippi river; thence along the middle of the main channel of the Mississippi river to the place of beginning. Boundary established and defined

SEC. 2. This Act shall take effect on the proclamation of the Governor, of the adoption of the same by a majority of the electors of the counties of Ramsey and Sherburne respectively, present and voting thereon at the next general election. Act, when to take effect

Approved March 8th, A. D. 1861.

CHAPTER XXIX.

An Act to Define the Boundaries of Otter Tail County.

SECTION 1. Boundaries defined.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries defined

SECTION 1. That so much territory as is embraced in the following described limits be, and the same is hereby created into the county of Otter Tail: Commencing at the corner of townships one hundred and thirty and one hundred and thirty-one north, of ranges thirty-five and thirty-six west of fifth principal meridian; thence north on said range line between ranges thirty-five and thirty-six to the corner of townships one hundred and thirty-seven and one hundred and thirty-eight north, of ranges thirty-five and thirty-six west; thence west along said township line between townships one hundred and thirty-seven and one hundred and thirty-eight north, to the range line between ranges forty-three and forty-four; thence south on the range line between forty-three and forty-four to the corner of townships one hundred and thirty and one hundred and thirty-one north, of ranges forty-three and forty-four west; thence east along the township line between townships one hundred and thirty and one hundred and thirty-one to the place of beginning.

Act, when to take effect

SEC. 2. This act shall take effect on the proclamation of the Governor of the adoption of the same by a majority of the electors of said county present and voting thereon at the next general election.

Approved March 8th, A. D. 1861.

CHAPTER XXX.

An Act to Declare the Intent and Construction of an Act and Joint Resolutions of the Legislative Assembly of the Territory of Minnesota, approved February 25th, 1856, relative to the Boundaries of Hennepin County, and to confirm all proceedings under the same.

PREAMBLE.
SECTION 1. Boundaries extended and defined.
2. Judgments, records, contracts, rights and liabilities, and all acts and proceedings declared confirmed, regular and valid,
3. Act, when to take effect.

Whereas, By the fourth section of an act of the Legislative Assemby of the Territory of Minnesota, entitled "an act to designate the site whereon to erect the county buildings of Hennepin county, and authorize the commissioners to procure a title thereto, and extending the boundaries of the county," approved February 25th 1856, it was enacted as follows: "The boundaries of Hennepin county are hereby extended north, across the Mississippi river, commencing on the north line of township twenty-nine, in range twenty-four on the Mississippi river, and running due east to a point between sections four and five, in township thirty in range twenty-three; thence due south to the town line between townships twenty-eight and twenty-nine; thence due west to the Mississippi river." Preamble

And whereas, By a joint resolution adopted by the said assembly, and approved on the 25th day of February, 1856, referring to said bill, it was resolved that said section should read as follows: "The boundaries of Hennepin county are hereby extended north, across the Mississippi river, commencing on the north line of township twenty-nine, in range twenty-four on the Mississippi river and running due east to a point between sections five and six, in township twenty-nine, in range twenty-three; thence due south to the township line between townships

Preamble

twenty-eight and twenty-nine; thence due west to the Mississippi river."

And whereas, An ambiguity exists in both said act and joint resolution of said assembly, and the terms of said act and said joint resolution are inconsistent with each other.

And whereas, The people and officers of the county of Hennepin, the legislative assembly of the State of Minnesota, the people of the State of Minnesota in the adoption of the constitution, and the legislature of the State of Minnesota, have severally placed a practical construction upon said act and joint resolutions, and numerous judicial records and acts and titles, deeds, contracts, rights and liabilities, have been had upon the faith of said construction, and are dependent thereon.

And whereas, It is desirable that all uncertainty in reference to the construction of said act and joint resolution should be removed; Therefore,

Be it enacted by the Legislature of the State of Minnesota:

Boundaries extended and defined

SECTION 1. It is hereby declared to have been, and to be the true intention, meaning and construction of the above recited act and joint resolution, that the boundaries of Hennepin county were thereby extended across the Mississippi river, commencing on the north line of township twenty-nine, in range twenty-four, on the Mississippi river and running due east on township line aforesaid, to a point between sections five and six in township twenty-nine (29), in range twenty-three (23); thence due south on the section lines to the Mississippi river; and the act and joint resolution shall be construed as herein provided, by all public officers.

Judgments, records, etc., declared valid

SEC. 2. All judgments, records, contracts, rights and liabilities, and all acts and proceedings of whatever kind, done, suffered or incurred since the passage of said act and joint resolution, the regularity or validity of which are or may be dependent upon the construction of said act and resolution, are hereby declared and confirmed to be valid and regular, in conformity with the construction and intent of said act and resolution as herein provided.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 9th, A. D. 1861.

CHAPTER XXXI.

An Act to Attach the County of Buchanan to Pine County.

SECTION 1. Attached to Pine county—boundary established and defined.
2. Acts and parts of acts repealed.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The county of Buchanan is hereby attached to Pine county, so that the boundary line of the latter will be as follows: Beginning at a point where the line between townships thirty-seven and thirty-eight north strikes the St. Croix river; from thence running due west on said line, to a point where the same is intersected by the line between ranges twenty-two and twenty-three west; from thence due north on said range line until intersected by the correction line between townships forty and forty-one; thence east on said correction line to a point where the line between ranges twenty-one and twenty-two leaves the same running north; thence due north on said line to a point where the same is intersected by the line between townships forty-five and forty-six; from thence due east on said line to the boundary line between Minnesota and Wisconsin; thence along said line in a southern direction to the place of beginning. Boundary established and defined

SEC. 2. So much of an act entitled "an act to attach the county of Isanti to the county of Anoka, and the counties of Lake, Carlton, Buchanan and Itaska to Saint Louis county for judicial purposes," approved Feb. 3d, 1860, as relates to Buchanan county, and all other acts inconsistent with this Act are hereby repealed. Repeal of former acts

SEC. 3. This Act shall take effect on the proclamation of the Governor, of its adoption by a majority of the electors of Pine county, present and voting thereon at the next general election. Act, when to take effect

Approved March 8th, A. D. 1861.

CHAPTER XXXII.

An Act Relating to Isanti County.

SECTION 1. Assessment of taxes declared legal.
2. Who to appoint county officers—term of office.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Assessment of taxes declared legal

SECTION 1. That the assessment of taxes in said county for the year eighteen hundred and sixty, is hereby declared legal.

Who to appoint officers—term of office

SEC. 2. That the county commissioners of said county are hereby authorized to appoint all county officers, justices of the peace and constables, who shall hold office until the next general election or until their successors are elected and qualified.

SEC. 3. This Act shall take effect from its passage.

Approved March 6th, A. D. 1861.

CHAPTER XXXIII.

An Act Relating to the County Seat of the County of Faribault.

SECTION 1. Removal of county seat in said county.
2. Act, when to take effect.
3. Duty of sheriff.
4. Separate ballot box to be used—returns, how made out.
5. Duty of county auditor.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county seat of the county of Faribault be and the same is hereby removed from the town

of Blue Earth city, its present location, to the incorporated town of Winnebago city in said county. Removal of county seat

SEC. 2. This Act shall not take effect until the same has been adopted by the electors of the said county. And the said electors are hereby authorized to vote at the next general election to be held in this State, upon the adoption of this Act, and for that purpose, shall vote by ballot on which shall be printed or written the words, "for removal of county seat to Winnebago city;" or the words "against the removal of county seat to Winnebago city;" and if upon canvass of said votes, it shall appear that a majority of ballots have been given for the removal of the county seat to Winnebago city, then this Act shall be deemed ratified and adopted, and it shall be the duty of the various county officers of said county, within ten days after the result of said ballot shall be made known to them, to remove their offices to the said Winnebago city. Act, when to take effect

SEC. 3. It shall be the duty of the sheriff of said county to give public notice of said election at least twenty days prior thereto, by posting notices thereof in three public places in each voting precinct in said county. Duty of sheriff

SEC. 4. It shall be the duty of the several judges of election of said county, to provide a separate ballot box to be used in such balloting and to receive the votes, and conduct the said election in the same manner as the elections for county officers are held, and return the result of said balloting to the county auditors of said county, in the same manner that returns are made for county officers. Separate ballot box—returns how made out

SEC. 5. It shall be the duty of the county auditor of said county to canvass the returns made to him of the said voting, in the same manner that the canvass is made for county officers and at the same time. And in the event of the ratification of this Act to immediately notify the county officers thereof. Duty of County Auditor

Approved March 1st, A. D. 1861.

CHAPTER XXXIV.

An Act Relative to the County of Ramsey, and Providing for the Support of the Poor therein.

SECTION 1. Who to take charge of poor—how provided for.
2. Commissioners authorized to issue bonds.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Who to take charge of poor—how provided for

SECTION 1. The county commissioners of the county of Ramsey, are hereby authorized, anything in previous laws to the contrary notwithstanding, to take charge of the poor in said county, resident, as well as non-resident, and to levy a tax, not exceeding one mill on the dollar for their support, in addition to the rate to which they are now limited for current expenses, and the tax levied by said commissioners for such purpose in the year 1860, additional to that levied for current expenses, is hereby declared to be valid; *Provided*, That if any township or townships in said county of Ramsey shall notify the said board of county commissioners, by leaving a written notice with any member thereof, signed by the chairman of the township board of such township or townships, on or before the first day of May, in such year, that said township has made provisions for the support of the poor of said township or townships. Then in that case, it shall not be lawful for said board of commissioners to levy or assess any tax upon the property of said township or townships, for the support of the poor of said county.

Commissioners authorized to issue bonds

SEC. 2. The said commissioners are authorized to issue the bonds of said county, if they shall think it advisable, upon such time, and at such rate of interest as they shall determine; to settle and adjust when due, the principal and interest upon a certain loan of five thousand dollars, heretefore made by said county, of Thompson Brothers, in the month of July 1860, and renewed on the second day of January 1861, and said liability so to be provided for, shall not be considered a portion of the indebtedness which said county is authorized to incur, by

section twenty-two of an act entitled "an act to provide for county organization and government," approved February 28th, 1860.

SEC. 3. This Act shall take effect from and after its passage.

Approved March 2d, A. D. 1861.

CHAPTER XXXV.

An Act Relative to the Finances of the County of Ramsey.

SECTION 1. County commissioners authorized to issue bonds—for what purpose.
2. Further powers of commissioners.
3. Repeal of former acts.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county commissioners of the county of Ramsey, be authorized to issue the bonds of said county, bearing interest at the rate of seven per cent. per annum, for the first indebtedness of the county, except for the bonds heretofore illegally issued for the Fort street improvement, which said bonds so issued or any part thereof, the county commissioners, with the consent of the holders thereof, are authorized to cancel and to issue others instead, bearing seven per cent. per annum interest, for the amount of sixty per cent. of the original bonds and the unpaid interest thereon. Commissioners authorized to issue bonds—for what purpose

SEC. 2. Said county commissioners are also authorized to issue bonds bearing seven per cent. interest per annum to raise money to defray current expenses of the county, *Provided however*, That no more than ten thou- Further powers of commissioners

sand dollars shall be outstanding in such bonds at any one time, nor shall any bonds be issued except upon proper vouchers and to pay the actual indebtedness of the county, or to raise money for that purpose.

Repeal of former acts

SEC. 3. Section seventeen of an act entitled "an act to authorize the county of Ramsey to issue bonds," approved March 6th, 1860, is hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXXVI.

An Act to Remit forty-four per cent. of the State Tax for the County of Wabashaw, for the year One Thousand Eight Hundred and Sixty, and to Legalize the Assessment in said County.

SECTION 1. Duty of County Treasurer.
2. Assessment for the year 1860 declared to be legal.
3. Extension of time in which to make returns.
4. How to be governed in equalizing taxes.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county treasurer of Wabashaw county is hereby authorized and required to remit forty-four per cent. of the State tax, as shown in the duplicate of real estate in his hands for the year one thousand eight hundred and sixty, and in all cases where the full amount of State taxes has been paid for the year one thousand eight hundred and sixty, the said treasurer is required to return forty-four per cent. of the taxes on real estate so paid, to the person or persons who have paid the same.

Duty of County Treasurer

SEC. 2. The assessment of all lands and property in said county of Wabashaw for the year one thousand eight hundred and sixty and the levy of the same, and all pro-

ceedings in relation to said tax are hereby declared to be legal and valid, any omissions and irregularities in said proceedings to the contrary notwithstanding; *Provided nevertheless*, That the county auditor of Wabashaw county is hereby authorized and required forthwith to assess the city of Wabashaw for the year one thousand eight hundred and sixty, and make report to the board of county commissioners of said county, on the first Monday of March, one thousand eight hundred and sixty-one; and the said board of county commissioners shall forthwith make any correction which they may deem necessary, without lowering the aggregate of said assessment; and the county auditor shall immediately make out and place in the hands of the county treasurer the tax roll for said city of Wabashaw. Assessment declared to be legal

SEC. 3. The time in which said treasurer of the county of Wabashaw is required to make his return to the State Treasurer is hereby extended to the fifteenth day of May, one thousand eight hundred and sixty-one, and said treasurer shall not distrain any goods or chattels, nor add any interest or penalties for the non-payment of taxes, until the fifteenth day of April, one thousand eight hundred and sixty-one. Extension of time

SEC. 4. The county auditor and the county board of equalization of the county of Wabashaw for the year one thousand eight hundred and sixty-one, in equalizing taxes, and in making out duplicates as prescribed in section forty-one, of chapter one, of an act entitled, "an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," approved March ninth, one thousand eight hundred and sixty, shall be guided and governed by the valuation and per centage hereinbefore ordered, in the same manner and with the like effect as if the same had been ordered by the state board of equalization. How to be governed in equalizing taxes

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved February 25th, A. D. 1861.

CHAPTER XXXVII.

An Act to Authorize the Commissioners of the Counties of Scott, Washington, Anoka, Fillmore, Houston, Carver and McLeod to issue Bonds to Fund the Debts of said Counties.

SECTION 1. County Commissioners of said counties authorized to issue bonds—for what purpose.
2. Commissioners authorized to pledge the faith of said counties by said bonds for the redemption thereof.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners authorized to issue bonds—for what purpose

SECTION 1. That the board of county commissioners of the counties of Scott, Washington, Anoka, Fillmore, Carver, Houston and McLeod, are hereby authorized and empowered to issue county bonds to be known as "fund bonds" in exchange for, and in lieu of, the floating warrants, orders and notes issued by said counties, prior to the first day of January, one thousand eight hundred and sixty-one (A. D. 1861). Said bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall be made payable at any time not less than five years from the date thereof, *Provided*, That the commissioners of Fillmore and Houston counties shall not issue said bonds, until the subject has been submitted to the voters of said counties, at some general or township election, (after first giving at least ten days notice by posting three notices in each township therein), and approved by a majority voting thereon.

Further duties of commissioners

SEC. 2. The said commissioners are hereby authorized and empowered to pledge the faith of the said counties by said bonds, for the payment thereof. Said bonds shall be signed by the chairman of said board of commissioners and countersigned by the auditor of said counties, and shall be sealed with the seal of said counties, and the county auditors of said counties may, when authorized by said board of commissioners, draw warrants on the county treasury for the amount of interest

due on said fund bonds, from the interest fund in the treasury.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 1st, A. D. 1861.

CHAPTER XXXVIII.

An Act Authorizing the Sale of Lands in the County of Benton, on which the Taxes for the year Eighteen Hundred and Fifty-Eight, remain Unpaid.

SECTION 1. Duty of Treasurer—assessment of taxes to be valid.
2. Redemption of lands sold for taxes—how.
3. Compensation for treasurer.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The treasurer of the county of Benton is hereby authorized and required to advertise all lands in said county returned for the delinquent taxes of the year eighteen hundred and fifty-eight, and upon which said taxes remain unpaid, at the time for first publishing such advertisement, and sell the same on the first Monday in July next, and the next succeeding days. The advertisement and sale thereof to be made in accordance with, and subject to the requirements of, and all subsequent proceedings in regard thereto, to be conducted in the manner prescribed by the statutes now in force in this State, applicable to the advertisement, sale and redemption of lands sold for taxes. The assessment of said taxes, and all sales and other proceedings made in pursuance of this Act shall be as valid and binding as if the same had been made in accordance with the provisions of the laws in force at the time the same should have been performed.

Duty of Treasurer—assessment of taxes to be valid

SEC. 2. At any time after the passage of this Act, purchasers of lands at the tax sales of eighteen hundred

Redemption of land sold for taxes—how

and sixty and eighteen hundred and sixty-one, may pay the taxes on the same for the year eighteen hundred and fifty-eight, and any person desiring to redeem such lands under or by virtue of any law for such redemption, shall be required to deposit with the county treasurer of said Benton county, in addition to the requirements of section 87 of page 44 of the session laws of 1860, the amount so by said purchaser paid for the taxes on said land for the year eighteen hundred and fifty-eight, together with interest from the time of such payment, and twenty per centum penalty on the amount so paid.

Compensation

SEC. 3. The duties and compensation of all county officers in respect to the advertisement, sale and redemption of lands authorized to be sold by this Act, shall be the same as under the laws now in force in regard to the advertisement sale and redemption of lands sold for taxes as prescribed.

SEC. 4. This Act shall take effect from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER XXXIX.

An Act Authorizing the County Surveyor of Le Sueur County to Transcribe the Record of Town Plats of said County.

SECTION 1. Duty of Surveyor.
2. Purchase of suitable books—how paid.
3. Duty of Register of Deeds.
4. What to be constituted the legal record.
5. Compensation of County Surveyor and Register of Deeds.
6. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Duty of Surveyor

SECTION 1. That for the better preservation of the record thereof, the county surveyor of Le Sueur County is hereby authorized and empowered to transcribe into a suitable book, all the town plats of the different towns

and villages within the limits of Le Sueur County, which are recorded or on file in the office of the Register of Deeds of said county, and to copy each and all of the field notes, deeds, certificates, and writing of any kind on the original.

Purchase of suitable books

SEC. 2. The county surveyor is required to procure at the expense of Le Sueur County, a suitable book for the purpose, which book shall be well bound and shall contain at least twice as many pages as are needed for the plats now recorded.

Duty of Register of Deeds

SEC. 3. That whenever the said town plats are so transcribed and writings copied by the county surveyor, the said book shall be deposited in the office of the Register of Deeds of said Le Sueur County, and the Register of Deeds shall examine the same and compare each plat with the original, and if found correct, shall certify in writing that the same is a correct copy of the original plat and the writing thereon.

What to be constituted the legal record

SEC. 4. The said plats transcribed and certified to as aforesaid, shall be and are hereby made and constituted the legal record of the town plats so transcribed and certified to, and the same, or certified copies thereof, shall be admitted as evidence in all the courts of this State, in the same manner and with the same effect as the originals or copies of the originals; *Provided*, This Act shall in no wise effect any orders made by any court vacating any part of the said plats.

Compensation

SEC. 5. The county surveyor of said county shall be entitled to receive the following fees as compensation for his services: For transcribing plats, one cent for each lot the said plats may contain, and ten cents per folio for copying the writings thereon. And the Register of Deeds shall receive the sum of fifty cents each for comparing the plats, and twenty-five cents for each certificate, which sums shall be audited and allowed by the board of commissioners, and shall be paid out of the treasury of Le-Sueur County, upon orders drawn thereon.

SEC. 6. This Act shall take effect and be in force from and after the passage thereof.

Approved February 21st, A. D. 1861.

CHAPTER XL.

An Act Relating to the Town of La Crescent.

SECTION 1. Repeal of former acts—manner of levying taxes.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of section two of chapter thirty-eight of special laws, approved February 2d, 1858, as requires the appointment of a special assessor of taxes, is hereby repealed, and hereafter the town council of the town of La Crescent in levying a tax for corporation purposes, shall take as the basis of assessment, the assessments made for State and county purposes.

Repeal of former acts—manner of levying taxes

Approved March 8th, A. D. 1861.

CHAPTER XLI.

An Act to Vacate the Town of Woodstock, in the County of Stearns.

SECTION 1. Vacation of the town of Woodstock.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the whole of the town plat of Woodstock, as recorded in the office of the register of deeds for Stearns county, Minnesota, be and the same is hereby vacated.

Vacation of the town of Woodstock

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XLII.

An Act to Vacate the Town Plat of the Town of Somerset, in Steele County.

SECTION 1. Vacation of the town of Somerset.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The town plat of the town of Somerset, as recorded in the office of the register of deeds of the county of Steele, is hereby vacated. Vacation of the town of Somerset

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XLIII.

An Act Vacating Nolan's Addition to the Town of High Forest, in Olmsted County.

SECTION 1. Vacation of Nolan's addition to High Forest.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the addition known as Nolan's addition to the town of High Forest, in Olmsted county, and the recorded plat thereof, and the lots, blocks, streets and alleys therein, save and except the following lots and blocks, and the streets adjacent thereto, to wit: Lot four (4) in block nine (9); lots two, three, four and five, in Vacation of Nolan's addition

block twelve, and lot five in block thirteen, be and the same are hereby declared vacated.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 5th, A. D, 1861.

CHAPTER XLIV.

An Act to Consolidate the Towns of Duluth and Portland, in St. Louis County, Minnesota.

SECTION 1. Corporate name after consolidation.
2. Annual election, when to be held.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Corporate name after consolidation

SECTION 1. That the towns of Duluth and Portland, St. Louis county, Minnesota, be consolidated under the corporate name of Duluth.

Annual election, when to be held

SEC. 2. That there shall be an election held on the first Monday in April, 1861 for the election of officers of the said town of Duluth, (by this Act embracing the corporate limits of Portland), and that an election of officers of said corporation shall be held annually thereafter, on the first Monday in April: *Provided*, That the officers elected on the first Monday of April 1861, shall hold their office until their successors are duly elected and qualified.

SEC. 3. This Act shall take effect and be in force from and after the 30th day of March 1861.

Approved February 28th, A. D. 1861.

CHAPTER XLV.

An Act to Vacate the Town Plat of the Town of Winnebago, in Stearns County, Minnesota.

SECTION 1. Vacation of the town of Winnebago.
2. Repeal of former acts.
3. Duty of Register of Deeds of Stearns county.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the town plat of the town of Winnebago, in Stearns county, Minnesota, as on file and of record in the office of the register of deeds in said county of Stearns, and the streets, lots, and blocks in said town according to said plat be, and they are hereby declared vacated and annulled. Vacation of the town of Winnebago

SEC. 2. Chapter eight (8) of the session laws of the State of Minnesota, for the year A. D. 1858, approved the third (3d) day of March A. D. 1858, entitled "an act to incorporate the town of Winnebago," is hereby repealed. Repeal of former acts

SEC. 3. The register of deeds for said Stearns county is hereby authorized and empowered to place upon the records of his office, a duly certified copy of this Act. Duty of Register of Deeds

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER XLVI.

An Act to Authorize the Supervisors of the Town of Invergrove to Levy a Tax to pay the Town Expenses for the Year 1861.

SECTION 1. Supervisors authorised to levy a tax.
2. Duty of Treasurer.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Who authorised to levy a tax

SECTION 1. The supervisors of the town of Invergrove, Dakota county are hereby authorized to levy a tax of three mills on the dollar of the valuation as assessed on the assessment roll of one thousand eight hundred and sixty.

Duty of Treasurer

SEC. 2. When the supervisors shall make out the tax list, they shall place the same in the hands of the town treasurer, and he shall proceed to collect the same in the same manner that state and county taxes are collected, and return all delinquent taxes to the county treasurer, by the first day of May, one thousand eight hundred and sixty-one, to be by him collected in the same manner that other delinquent taxes are collected.

SEC. 3. This Act shall be in force from and after its passage, and only apply to the year one thousand eight hundred and sixty-one.

Approved March 6th, A. D. 1861.

CHAPTER XLVII.

An Act Relating to the Grading Certificates of Main Street, in the Town of Henderson.

SECTION 1. To whom certificates remaining unpaid, delivered—to assess and levy said certificates, on whom.
2. Tax list to be published.
3. When and where said sale to be held.
4. Each lot to be offered separately.
5. Marshal to deliver certificate of purchase—when lots may be redeemed.
6. Certificates to bear interest.
7. Duty of Marshal if lots not redeemed.
8. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All certificates remaining unpaid at the time of the passage of this Act, that have been issued to any person or persons by the town council of the town of Henderson, pursuant to the act of the 9th of August 1858, incorporating said town, for grading main street in said town, which grading became chargeable to certain lots on said main street by the provisions of said act, may be delivered to the town council of said town by the owners of said certificates within three months from the passage of this Act. And the said town council shall immediately upon receiving such certificates, make out a list of the lots chargeable with the payment of the same respectively, together with the names of the owners of such lots, if they shall be known, and assess and levy said certificates upon the lots chargeable therewith respectively; and such list shall be immediately copied by the recorder of said town into a book provided for that purpose; setting opposite to each lot mentioned in the list, such sum or sums as may have been assessed and levied upon the same respectively, which copy shall be designated a tax list; and to it shall be appended a warrant signed by the mayor and recorder of said town, and sealed with the corporate seal of the town, directed to the marshal, requiring and commanding him to collect the assessment

To whom certificates remaining unpaid delivered —to assess and levy said certificates, on whom

CHAPTER XXXVII.

An Act to Authorize the Commissioners of the Counties of Scott, Washington, Anoka, Fillmore, Houston, Carver and McLeod to issue Bonds to Fund the Debts of said Counties.

SECTION 1. County Commissioners of said counties authorized to issue bonds—for what purpose.
2. Commissioners authorized to pledge the faith of said counties by said bonds for the redemption thereof.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners authorized to issue bonds—for what purpose

SECTION 1. That the board of county commissioners of the counties of Scott, Washington, Anoka, Fillmore, Carver, Houston and McLeod, are hereby authorized and empowered to issue county bonds to be known as "fund bonds" in exchange for, and in lieu of, the floating warrants, orders and notes issued by said counties, prior to the first day of January, one thousand eight hundred and sixty-one (A. D. 1861). Said bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall be made payable at any time not less than five years from the date thereof, *Provided*, That the commissioners of Fillmore and Houston counties shall not issue said bonds, until the subject has been submitted to the voters of said counties, at some general or township election, (after first giving at least ten days notice by posting three notices in each township therein), and approved by a majority voting thereon.

Further duties of commissioners

SEC. 2. The said commissioners are hereby authorized and empowered to pledge the faith of the said counties by said bonds, for the payment thereof. Said bonds shall be signed by the chairman of said board of commissioners and countersigned by the auditor of said counties, and shall be sealed with the seal of said counties, and the county auditors of said counties may, when authorized by said board of commissioners, draw warrants on the county treasury for the amount of interest

due on said fund bonds, from the interest fund in the treasury.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 1st, A. D. 1861.

CHAPTER XXXVIII.

An Act Authorizing the Sale of Lands in the County of Benton, on which the Taxes for the year Eighteen Hundred and Fifty-Eight, remain Unpaid.

SECTION 1. Duty of Treasurer—assessment of taxes to be valid.
2. Redemption of lands sold for taxes—how.
3. Compensation for treasurer.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The treasurer of the county of Benton is hereby authorized and required to advertise all lands in said county returned for the delinquent taxes of the year eighteen hundred and fifty-eight, and upon which said taxes remain unpaid, at the time for first publishing such advertisement, and sell the same on the first Monday in July next, and the next succeeding days. The advertisement and sale thereof to be made in accordance with, and subject to the requirements of, and all subsequent proceedings in regard thereto, to be conducted in the manner prescribed by the statutes now in force in this State, applicable to the advertisement, sale and redemption of lands sold for taxes. The assessment of said taxes, and all sales and other proceedings made in pursuance of this Act shall be as valid and binding as if the same had been made in accordance with the provisions of the laws in force at the time the same should have been performed.

Duty of Treasurer—assessment of taxes to be valid

SEC. 2. At any time after the passage of this Act, purchasers of lands at the tax sales of eighteen hundred

ation, in the same manner that township taxes are now assessed and levied.

Manner of assessing and collecting taxes

SEC. 2. Such city taxes shall be assessed, levied and collected by the same officer and in the same manner as county, state or township taxes are now or may hereafter be assessed, levied and collected. And when so collected, shall be accounted for and paid over to the city treasurer by the proper collecting officer, in the same manner as township taxes are accounted for and paid over to township treasurers, according to the general tax law of this State.

Deliver list of delinquent taxes, to whom—duty of Treasurer

SEC. 3. The city council shall have the power to transfer and deliver over to the treasurer of the county of Winona, the lists or transcripts of the lists of delinquent taxes heretofore levied for city purposes, and all tax sale certificates now held and owned by the city of Winona, and when so delivered over, the county treasurer shall have the power and it shall be his duty to receive and collect such delinquent taxes, and upon order of the city council to assign and transfer such certificates in the name of the city, and upon expiration of the time of redemption to execute tax deeds to the purchasers under such certificates, in the same manner that the city marshal or city treasurer might now perform the same. And the county treasurer shall be liable for all city funds that may be received by him, and for the faithful performance of all duties that may be required of him under the provisions of this Act, in the same manner and to the same extent that he is now liable for other duties pertaining to his office, and shall receive the same compensation for all service required of him by this Act, that he is now entitled to for other similar duties.

Duty of Assessor

SEC. 4. The assessor of the city of Winona shall qualify and shall perform the duties pertaining to his office, in accordance with the general statutes of this State, in regard to township assessors, and he shall receive the same compensation and be subject to all the liabilities and perform all the duties of a township assessor, and no other assessment of property within the limits of the city of Winona, shall be made by any other than the city assessor.

Repeal of inconsistent acts

SEC. 5. All parts of the "act to incorporate the city of Winona," inconsistent with this Act, are hereby repealed, saving and preserving, however, all rights that

may have accrued, or liabilities that may have been incurred under or by virtue of the same.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER XLIX.

An Act to amend an act entitled "an Act to amend an Act entitled 'an Act to Incorporate the City of Stillwater.'"

SECTION 1. Amendment to section 15, chapter 3, of the act approved March 1st, 1856. Powers and rights of Justices of the Peace.
2. Amendment to section 2, of chapter 7. All actions brought to recover penalty or forfeiture, to be brought in the corporate name of the city.
3. Amendment to section 5, of chapter 7. What property to be exempt from levy or sale, by virtue of any execution.
4. Amendment to section 11, of chapter 7, When appeal not to be taken.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section fifteen, of chapter three, of the act entitled "an act to amend an act entitled 'an act to incorporate the city of Stillwater,'" approved March 1st, 1856, shall be amended and shall read as follows:

Powers and rights of Justices of the Peace

Sec. 15. The justice of the peace for the city shall possess all the authority, powers and rights of a justice of the peace under the laws of the State, except he shall in no case entertain any civil proceedings to which the city is not a party; and shall have sole, exlusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace, but warrants returnable before said justice may be issued in criminal cases by any other justice of the peace in the city, but no fee shall be received therefor.

To have exclusive jurisdiction

The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings, for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said city of Stillwater, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offence committed against the same.

In what corporate name suits to be brought

All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any such by-law, ordinance, or regulation shall be commenced in the name of the city of Stillwater, and the same proceedings shall be had in all suits before said justice, when not otherwise herein directed, as are established and required to be had in actions, by the laws of this State, before a justice of the peace

Provided, That in case of prosecutions for a breach or violation of an ordinance, by-law, or regulation of said city or its charter, or for an assault, battery, or breach of the peace or affray, not indictable, committed within the city limits, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed twenty dollars.

Power to compel offenders to give security for good behavior

In all cases of convictions for assaults, batteries, and affrays within said city, for breach of the peace, disorderly conduct, keeping houses of ill fame, or frequenting the same, and of keeping disorderly houses, the said justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior and to keep the peace, for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

To have same powers as a court of record in certain cases

The said justice shall have the same power and authority in case of contempt, as a court of record, *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of the District courts or Supreme Court of this State. In case of the absence, sickness, or other disability of said justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within the limits of the city to perform the duties pertaining to the office of the said city justice, and the

mayor shall thereupon inform the city attorney and marshal of such appointments, and make report thereof to the city council, and they may confirm or set aside such appointment or appoint some other justice of the peace within the city, and the justice so appointed shall, for the time being, and until his appointment is set aside and vacated, possess all the authority, powers and rights appertaining to the office of justice of the peace for the city; *Provided*, That nothing herein contained shall be deemed or so construed as to oust the city justice of the peace of his jurisdiction, but the justice so appointed until his appointment is vacated, shall have concurrent jurisdiction with the city justice, and shall receive like fees as the city justice of the peace for the city. Proviso

Sec. 2. That section two of chapter seven be amended, and shall read as follows:

Sec. 2. All actions brought to recover any penalty or forfeiture under this Act, or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. In all prosecutions of any violations of this Act, or any by-laws, regulations, or ordinances of the city of Stillwater, the first process shall be by warrant upon complaint being made as in other cases under the laws of this State, *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the city of Stillwater, but in such cases, a complaint shall be made and reduced to writing by the justice, and the party required to plead thereto, as to a warrant in other cases, and the person or persons so arrested, may be proceeded against, tried, convicted and punished, or discharged in the same manner as if the arrest had been made by warrant. Actions brought to recover penalties to be brought in the name of the city

All processes issued by the city justice, for the violation of any ordinance or by-law of said city, shall be directed to the marshal or any policeman of said city.

In all cases the imposition of any fine or penalty, or of the rendering of a judgment by the justice of said city, pursuant to any statute of the State of Minnesota or pursuant to any ordinance or by-law of the city of Stillwater, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the city prison of said city, or

if there be no such prison, to the common jail of Washington county, and be there imprisoned for a term not exceeding six months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of the trial, the person or persons so arrested may be imprisoned in said city prison, or in case there be no such prison, in the common jail of Washington county.

SEC. 3. That section five, of chapter seven, shall be amended and read as follows:

Sec. 5. The following property, now or at any time hereafter belonging to said city, or either of the wards thereof, shall be exempt from levy and sale, under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus, used by any company created or authorized by the common council of said city; market houses and the furniture thereof; city hall, and furniture of common council rooms; pounds and the lots on which the same are situated; school houses and the furniture thereof; *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to or on the credit of the city, nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

What property to be exempt from levy and sale

SEC. 4. That section eleven, of chapter seven, shall be amended by adding thereto the following proviso: *Provided*, That in cases of prosecution for a breach or violation of any ordinance, by-law, or regulation of said city or its charter, or for an assault, battery, or breach of the peace, or affray not indictable, committed within the city limits, no appeal shall be allowed, where the judgment or fine imposed, shall not exceed twenty dollars exclusive of costs.

When appeal not to be taken

SEC. 5. This Act shall take effect from and after its passage.

Approved March 4th, A. D. 1861.

CHAPTER L.

An Act to Amend an act entitled "An Act to Incorporate the City of Red Wing," approved March tenth, Eighteen Hundred and Fifty-seven.

SECTION 1. Disposition of land sold for taxes, unredeemed within three years.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section fifteen, of chapter five shall read:

Section 15, chapter 5. Any tract of land sold in pursuance of this Act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purcharer, his heirs or assigns as herein provided. Disposition of land sold for taxes, unredeemed within three years

Approved February 8th, A. D. 1861.

CHAPTER LI.

An Act to amend an act entitled "An Act to Incorporate the City of Red Wing," approved March fourth, Eighteen Hundred and Fifty-seven.

SECTION 1. The city council authorized to assess and levy tax—not to exceed what sum—for what purpose.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city council of the city of Red Wing may, and they are hereby authorized and empowered to assess and levy taxes, not exceeding in any one year the sum of one thousand dollars, for the purpose of being Who to assess and levy taxes

For what purpose

expended, under the direction of said city council, in building and improving the roads leading to and from said city of Red Wing; *Provided*, The amount of tax so to be levied shall be first submitted to a vote of the electors of said city, in the manner provided in section six of an act entitled "an act to amend an act, entitled an act to incorporate the city of Red Wing," approved March fourth, eighteen hundred and fifty-seven, approved February 10th, 1860.

Approved March 5th, A. D. 1861.

CHAPTER LII.

An Act to amend an act entitled "an act to incorporate the City of Rochester."

SECTION 1. Officers elected in each ward—term of office—officers to reside in their respective wards.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section three (3) of chapter two (2) of an act entitled "an act to incorporate the city of Rochester," is hereby amended so as to read as follows:

Election of officers—term of office—to reside in their respective wards

Section 3. The officers elected in each ward shall be two aldermen, one assessor, one justice of the peace, and one constable, who shall hold their offices for two years and until their successors are elected and qualified, (except as hereinafter provided,) except the constable, whose term of office shall be one year. All of which officers shall be residents of the wards in which they are elected, and shall have resided therein thirty days, and in the city six months next preceding such election; and all city officers shall be qualified electors of the State.

And it is further provided, That at the next annual election of said city, the said aldermen in each ward shall

be elected as follows: One alderman in each ward for the term of one year, and one alderman for two years; and there shall be elected annually thereafter one alderman for each ward.

Approved March 8th, A. D. 1861.

CHAPTER LIII.

An Act to Repeal the Charter of the City of Shakopee.

SECTION 1. Repeal of the act to incorporate the city of Shakopee.
2. What streets to be declared public highways.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That an act entitled "an act to incorporate the city of Shakopee," approved May twenty-third, in the year one thousand eight hundred and fifty-seven, and all acts and parts of acts amendatory thereto, be and the same are hereby repealed; *Provided*, That the whole of section number one, in township number one hundred and fifteen north, of range twenty-three west, and the west half of section number six, in township one hundred and fifteen north, of range twenty-two west, shall hereafter be and constitute a part of the county of Scott, as heretofore.

Repeal of the act to incorporate Shakopee

SEC. 2. The several streets and alleys and the levee in the recorded plat of said city of Shakopee are hereby declared to be public highways, and all general laws of the State of Minnesota relating to the improvement, repair and regulation of roads and highways, shall apply to said streets, alleys and levee.

What streets public highways

SEC. 3. This Act shall take effect and be in force on the first day of October, A. D. 1861.

Approved March 4th, A. D. 1861.

CHAPTER LIV.

An Act to amend an act entitled an act to incorporate the City of Hastings, approved March 7th, A. D. 1857.

SECTION 1. Western boundary line of the city of Hastings.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Western boundary line of the city of Hastings

SECTION 1. The western boundary of the city of Hastings shall be a line running north and south through the centre of sections numbers seventeen (17) and twenty (20) in township number one hundred and fifteen (115) north of range number seventeen (17) west of the fifth (5) principal meridian.

SEC. 2. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER LV.

An Act to amend an act entitled "an act to amend the Charter of the City of Saint Paul."

SECTION 1. Amendment to section 6, of the act approved February 25, 1860. To license and regulate exhibitions of caravans, circuses, etc.
2. Amendment to proviso of section 15. Election of Justices of the Peace and Constables—terms of office.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section six of the act entitled "an act to amend the charter of the city of Saint Paul," approved February twenty-fifth, one thousand eight hundred and sixty, be and the same is hereby amended so as to read as follows:

Section 6. That sub-division first of section three (3) of chapter four (4) of said act of incorporation, be amended and shall read as follows:

To license and regulate exhibitions, etc.

First—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances; to license and regulate billiard tables, nine or ten pin alleys, bowling saloons, and the traffic of all persons vending or dealing in spirituous or vinous liquors.

SEC. 2. That the proviso to section fifteen of said "act to amend the charter of the city of Saint Paul," be and the same is hereby amended so as to read as follows:

Election of Justices of the Peace and Constables —term of office

Provided, That at the municipal election of said city, in the year eighteen hundred and sixty-two, and every two years thereafter, there shall be elected one justice of the peace, and every year thereafter one constable in and for each ward, who shall be residents of the ward in and for which they may be elected, and that said justices of the peace shall hold their office for the term of two years, and said constable for the term of one year, and until their successors shall be elected and qualified, and the present justices of the peace in said city shall hold their offices until the election and qualification of their successors. The said justices of the peace shall have the same jurisdiction within the county of Ramsey as other justices of the peace now have by law or may hereafter have. and shall supersede all other justices of the peace within said city, except the city justice thereof, and said constables shall supersede all other constables therein; and the said justices and constables hereafter to be elected, shall before entering upon the duties of their offices, take the oath and execute and file the bond prescribed by section one of chapter three of the charter of said city, and the said officers may be removed and vacancies filled in the manner prescribed by chapter two of said charter.

SEC. 4. This act shall take effect from and after its passage.

Approved February 21st, A. D. 1861.

CHAPTER LVI.

An Act to amend an act entitled "an act to amend the Charter of West St. Paul."

SECTION 1. Prohibited from incurring liabilities and expenses, not to exceed what sum.
2. Amendment to section 1, of chapter 7, of an act approved March 2d, 1858.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Prohibited from incurring liabilities—not to exceed what sum]

SECTION 1. The city of West St. Paul, as incorporated by an act of the legislature, approved March 22d, eighteen hundred and fifty-eight, and as amended by an act approved March eighth, one thousand eight hundred and sixty is hereby prohibited from incurring liabilities and expenses in any one year to exceed two hundred dollars for improvements of any and of all kinds, and three hundred dollars for salaries and fees, disbursements for stationery, and all other purposes of all city officers, so that the total expenses and disbursements shall not exceed the sum of five hundred dollars per annum, and no salaries or fees shall be allowed or paid to the mayor or aldermen of said city.

Amendment to section 1 chapter 7

SEC. 2. Section one, of chapter seven, of an act approved March 22d, 1858 is hereby amended by striking out in the third and fourth lines of said section, the following words, viz: "except, he shall in no case entertain any civil proceedings to which the city is not a party.

SEC. 3. This Act shall take effect from and after its passage.

Approved March 2d, A. D. 1861.

CHAPTER LVII.

An Act to amend an act entitled "an act to amend an act entitled an act to incorporate the city of St. Anthony," approved March 10th, 1860.

SECTION 1. Amendment to section 5, chapter 3, of an act approved March 10th, 1860.—In case of vacancy of city officers, how filled.
2. Amendment to section 6, of chapter 4. Power of city council.
3. Amendment to section 1, of chapter 5. City council to levy and collect taxes.
4. Amendment to section 8, of chapter 5. Officers to give bonds for faithful performance of duties—may borrow money on the credit of the city—to be submitted to a vote of the people.
5. May have power to raise any bonds outstanding—in what manner.
6. Amendment to section 5, chapter 9. May levy and collect a special tax—for what purpose.
7. Amendment to section 1, of chapter 11. To require all male inhabitants to work out a road tax, or pay its equivalent in money.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section five of chapter three of said act, approved March 10th, 1860, be and the same is hereby amended so as to read as follows: Vacancy of city officers, how filled

Sec. 5. Whenever any vacancy shall happen in the office of either of the elective officers of the city, except that of mayor or aldermen, such vacancy may be filled by the city council until the next general election; and when a vacancy shall happen in the office of mayor, a new election may be ordered by the city council.

SEC. 2. That section six of chapter four of said act, be and the same is hereby amended so as to read as follows: Power of city council

Sec. 6. The city council may make, by ordinance, any provisions necessary for carrying out the provisions of this charter, not inconsistent therewith.

SEC. 3. That section one of chapter five of said act, be and the same is hereby amended so as to read as follows:

Sec. 1. The city council shall have power to levy and collect taxes on all property, real and personal, within the limits of the city, not exempt by law, not exceeding

City Council may levy and collect taxes

one half of one per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in the manner hereinafter prescribed; and in addition to the foregoing powers, the city council shall have power to levy and collect an aditional tax on all the said property, not exceeding one fourth of one per cent. per annum upon the assessed value, for the purpose hereinafter named and none other, which shall be collected in gold or silver, or current bank bills, and the city council may enforce the payment of the same in like manner as the tax first above named; and the same, when collected, or so much thereof as may be necessary for that purpose, shall be set apart for the purpose of paying the interest and coupons on the outstanding bonds of said city, and the balance of said last named tax, after paying said interest or coupons, shall be applied to the payment of said bonds as they shall become due; and all qualified voters of said city shall be liable to a poll tax, not exceeding one dollar in any one year, to be levied by the city council.

SEC. 4. That section three of chapter five of said act, be and the same is hereby amended so as to read as follows:

To give bond for performance of duty—may borrow money on the credit of the city—to be submitted to a vote of the electors

Sec. 3 The city council shall have power to require of all officers elected or appointed in pursuance of this charter, such bonds, with penalty, and security for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers elected or appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices, before entering upon the duties of the same; to borrow money on the credit of the city, *Provided*, That no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum. And *Provided*, That the city council shall not borrow on the credit of the city, without first submitting a proposition to a vote of the qualified electors of the city, at an annual or special election which said proposition shall state the object and amount of the proposed loan, the proposed time or times of payment and the proposed rate or rates of interest; and if a majority of the electors voting at such election shall vote in favor of the said proposition, then the city council shall be authorized to carry out the said proposition, but not otherwise; and the manner of submitting such proposition, the voting thereon and ascertaining the result thereof, shall be prescribed by ordinance.

SEC. 5. That in addition to the aforementioned powers the city council shall have power to raise any bonds now outstanding against said city, by issuing new bonds therefor in such amounts, not exceeding the principal sum of such outstanding bonds exclusive of interest, and on such time as said city council shall deem expedient. Manner of raising outstanding bonds

SEC. 6. That section five of chapter nine of said act be and the same is hereby amended so as to read as follows:

Sec. 5. The city council shall have power to levy and collect a special tax on the owners of the lots on any street or part of any street, according to the respective fronts of such lots, for the purpose of grading, paving, and planking the sidewalks along such street or part of a street, which may be collected as follows, to wit: Whenever the city council shall, by resolution, order the sidewalks of any street, or any part thereof, to be graded and paved or planked, the supervisor of streets shall forthwith notify the owners of the lots adjacent to such sidewalks, (or if the owners thereof do not reside within said city then the notice may be left with the occupants thereof, or affixed thereon if such lots are unoccupied), to build such portions of such sidewalks as extend along the line of such lots, in conformity with the requirements of such resolution within thirty days after such notice, and if any of the owners of such lots shall fail or neglect to build his, her or their proportion of such sidewalk within the time above prescribed, the supervisor of streets shall proceed to build and complete the same, and shall keep and report to the city council, as soon as may be, an accurate account of the expense thereof, opposite to each lot respectively; and the city council shall thereupon levy the several amounts of such expense as a special tax on such lots respectively, and if not paid at or before the expiration of thirty days thereafter, the city clerk shall thereupon proceed to sell and convey such lots, or so much thereof as may be necessary to pay such tax, charges and interest, in the same manner, upon like notice, upon the same conditions, and with the like effect, as lands are sold under said act of incorporation for delinquent unpaid taxes; and such special tax and charges together with interest thereon from the time such tax and charges shall accrue, at the rate of twenty-five per cent. per annum, shall be and remain a lien on such lots from the time the same is assessed until paid. May levy special tax—for what purpose

SEC. 7. That section one of chapter eleven of said act be, and the same is hereby amended so as to read as follows:

Who to work out road tax

Sec. 1. The city council shall have power, for the purpose of keeping the streets in repair to require every male inhabitant in said city over the age of twenty-one years and under the age of fifty years, to labor on said streets, not exceeding two days in each and every year or in lieu thereof to pay the sum of one dollar each per day to be expended on said streets for the purpose aforesaid; and if any such person shall, after having been notified by the supervisor of streets, fail and neglect to appear and perform such labor, either in person or by a substitute, and shall neglect or refuse to pay the said sum in lieu thereof, the supervisor shall proceed forthwith to collect such sum by levy, distress and sale of the goods and chattels of such person at public auction, first giving six days notice of such sale, to be posted in three public places in said city, and no property shall be exempt from distress and sale for such tax.

Approved March 11th, A. D. 1861.

CHAPTER LVIII.

An Act to amend "an act to incorporate the City of Rochester."

SECTION 1. Who to have charge of the poor.

Be it enacted by the Legislature of the State of Minnesota:

Who to have charge of the poor

SECTION 1. That section one (1) of chapter six (6) of an act entitled an act to incorporate the city of Rochester, be amended by adding to said section, as follows:

Thirty-Eighth—The common council shall have power and it is hereby made their duty to take charge of the poor of the city, and provide for the same at the expense of the city.

Approved January 30th, A. D. 1861.

CHAPTER LIX.

An Act to change the name of certain persons.

SECTION 1. Change of certain names.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That from and after the passage of this Act, Erick Erickson of the county of Rice, shall take the name of Erick Erickson Rood; and Ole Hendrickson of the aforesaid county, shall take the name of Ole H. Locksem. Change of certain names

SEC. 2. This Act shall take effect from and after its passage.

Approved February 28th, A. D. 1861.

CHAPTER LX.

An Act to change the name of Levi Doble to that of Buddington Doble.

SECTION 1. Name of Levi Doble changed to Buddington Doble.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Levi Doble, now of Sunrise City, Chisago County in this State, be, and the same is hereby changed and declared to be Buddington Doble. Name of Levi Doble changed to Buddington Doble

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 2d, A. D. 1861.

CHAPTER LXI.

An Act to change the name of Lafayette Heath to that of Lafayette Pewtherer.

SECTION 1. Name of Lafayette Heath changed to Lafayette Pewtherer.
2. Declared the lawful heir of C. W. Pewtherer.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of name

SECTION 1. That the name of Lafayette Heath, be, and the same is hereby changed to that of Lafayette Pewtherer.

Declared lawful heir—of whom

SEC. 2. Said Lafayette Pewtherer is hereby declared to be the son and heir at law of C. W. Pewtherer, of the county of Scott and State of Minnesota, and he shall enjoy all the rights and privileges, and be subject to the same care and guardianship, as if he had been the son of said C. W. Pewtherer born in lawful wedlock.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER LXII.

An Act to change the name of Charles Fly.

SECTION 1. Name of Charles Fly changed to Charles Fly Blakely.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Change of name

SECTION 1. That the name of Charles Fly, be, and the same is hereby changed to Charles Fly Blakely.

SEC. 2. This Act shall take effect from and after its passage.

Approved January 30th, A. D. 1861.

CHAPTER LXIII.

An Act for the establishment and better regulation of the Common Schools of the City of Winona.

SECTION 1. Consolidation of school districts.
2. Election of school directors—qualification.
3. Vacancies, how filled.
4. Who to constitute board of education—quorum.
5. Duty of clerk of said board.
6. Who to be finance committee.
7. Who to estimate amount of taxes.
8. Powers of executive committee.
9. Taxes to be levied and collected annually—for what purpose.
10. Responsibility of treasurer.
11. What money to be received.
12. Duty of treasurer.
13. Disposition of funds in treasurer's hands.
14. Suits may be prosecuted—for what offense.
15. In whose name suits brought against said board.
16. Judgments recovered against said board, how paid.
17. Powers of the board of education.
18. May allow non-resident children to attend said schools.
19. Said board to ascertain amount of funds at their disposal for each current year.
20. Who to be trustees of the district library.
21. When said board to make annual report.
22. Rules and regulations that govern said board.
23. Who to examine persons making application as teachers.
24. Superintendent to make annual report, to whom.
25. Duty of city council.
26. Powers of city council.
27. Power to sell school houses, lots, or sites—when advisable.
28. In whom title vested.
29. Powers of trustees, in office at the time of the passage of this act.
30. Who to constitute a joint board—for what purpose said board constituted.
31. Clerks of the several boards continued in office.
32. Publication of notice of meeting of said board—when.
33. When trustees complete their transactions.
34. Provisions for unfinished business at the time of making out report.
35. Board of education to have control of all matters transferred.
36. Duty of board in case of excess or deficiency.
37. Repeal of all acts inconsistent with this act.
38. Act not to be repealed by any subsequent act.
39. Limitation of said board—making improvements.
40. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The school districts and parts of districts, within the corporate limits of the city of Winona, are hereby consolidated, and shall hereafter constitute one district, for the regulation and management of the public schools of said city. Consolidation of school districts

SEC. 2. There shall be elected annually in the city of Winona, at the time of its charter election, by each ward

Election of school directors—qualification

in the city, one school director, who shall be a resident of the ward by which he is elected. The persons so elected shall, within ten days after their election, take the oath of office prescribed by the constitution of the State, and file the same in the office of the city recorder.

Vacancies how filled

SEC. 3. In case of vacancy, caused by a failure to elect a director in any ward of the city, by resignation, death, or removal from the ward in which he was elected, the city council shall have power, by appointment, to fill the vacancy until the time of the next annual city election.

Board of education—quorum

SEC. 4. The school directors thus elected, together with the principal and such members of the normal school at Winona as shall be residents of said city, and qualified in like manner with the other directors, shall constitute the board of education of the city of Winona, which shall be a corporate body in relation to all the powers and duties conferred on them by the provisions of this Act, and may sue and be sued in any of the courts of this State having jurisdiction of the subject matter of the action. A majority of the board shall form a quorum. At their first meeting after the annual election, they shall choose one of their number president, and also one of their number, superintendent of the city schools. They shall also appoint a clerk and fix his compensation, who shall hold his office during the pleasure of the board. The said directors shall receive no compensation for their services, except as hereinafter provided in this Act.

Duty of clerk

SEC. 5. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facia* evidence of the facts, therein set forth; and such records, and all books and accounts of the said board, shall at all times be subject to the inspection of the city council and of any committee thereof.

Finance committee

SEC. 6. The finance committee of the board shall always be composed solely of the directors elected by the wards of the city.

SEC. 7. On or before the first day of June annually, the board of education with the concurrence of a majority of the finance committee, shall certify to the city council the whole amount of moneys, in their opinion, neces-

sary to be raised, by taxation or otherwise, to defray the expenses of the schools for the current year; what amount will be received for such purpose from the State; what amount from the county; and what amount it will be necessary to raise by taxation from the city; and the city council shall have power to raise, from time to time, by tax upon the real and personal estate in said city, which shall be liable to taxation for the ordinary city or county purposes, the amount thus certified. Who to estimate amount of taxes

SEC. 8. The finance committee shall be the executive committee of the board, and shall have power to purchase, lease and improve sites for school houses, to build, purchase, lease, enlarge, alter, improve and repair school houses, and their outhouses and appurtenances; to purchase, exchange, improve and repair school apparatus, books, furniture and appendages; to procure fuel and defray the contingent expenses of the district library of said city, and also to pay the wages of teachers and other employees of the board. Powers of executive committee

SEC. 9. The city council shall cause the tax or taxes herein provided for, to be levied and collected annually, on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the State for the time being; said taxes to be levied and collected in the same manner as annual taxes for city purposes are levied and collected in said city. *Provided, nevertheless*, That no tax shall be levied for general school purposes, oftener than once in each year; *and provided, also*, That the amount to be raised for teachers' wages, and for contingent expenses in any one year shall in no case exceed three mills on the dollar of all the taxable property of said city, nor be less than may be made requisite by a law of the State, to entitle the city to its appropriate share of the public money of the State set apart for school purposes. Taxe to be collected annually —for what purpose

SEC. 10. All moneys to be raised pursuant to the provisions of this Act, and all school moneys by law appropriated to or provided for said city, shall be paid to the Treasurer of said city, who, together with the sureties upon his official bond, shall be accountable therefor, in the same manner as for the other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said Responsibility of Treasurer

moneys, as for any similar misconduct in relation to the other moneys of the city.

What money to be received

SEC. 11. After the passage of this Act, the collecting officer of said city shall receive for taxes levied for school purposes, nothing but current money, nor shall he be allowed to account for his indebtedness to the fund raised for school purposes, in the settlement with the city treasurer in any other way, except in current money.

Duty of Treasurer

SEC. 12. All moneys required to be raised by virtue of this Act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out only as prescribed in the next succeeding section of this Act, and the said treasurer shall keep the funds authorized by this Act to be received by him, separate and distinct from any other fund that he is, or may be by law authorized to receive. The board of education, by committee or otherwise, may at any time demand of the treasurer an exact statement of the amount of funds in his hands subject to their order, and thereupon it shall be the duty of said treasurer to make and report to the board such statement and account forthwith.

Disposition of funds

SEC. 13. The treasurer of said city shall in no case pay out any moneys in his hands received by said city, either as school moneys, or collected or received by virtue of any of the provisions of this Act, excepting upon an order drawn on him and signed by the president and clerk of the board of education, and every such order shall be paid from the particular fund upon which it is drawn in the order of its presentation; nor shall any such order be drawn except by virtue of a resolution of the said board of education. Nor in his final settlement with the city council, shall he be allowed to account for his indebtedness to the school fund, except in current money, and the orders of the board of education.

For what offense suits to be prosecuted

SEC. 14. The said board of education may cause a suit or suits to be prosecuted in the name of the city of Winona, upon the official bond of the treasurer or of any collecting officer for said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping, or payment of any moneys mentioned in this Act.

SEC. 15. In all legal proceedings against the board of education of the city of Winona, the process shall be

served upon the clerk of said board, and whenever such suit or proceedings shall be commenced, it shall be the duty of said clerk forthwith to notify the president thereof and to lay before the said board of education at their next meeting thereafter, all the information he may have in regard to such suit or proceedings. In whose name suits brought against said board

SEC. 16. When any judgment shall be recovered against the said board of education of the city of Winona, no execution shall be awarded or issued upon such judgment, but for the same, unless it shall be reversed, and as soon as it shall become final upon the demand of the party, his agent or attorney, in whose favor the same was rendered, the said board shall issue to said party its order upon the treasurer of said city, in manner and form in this Act prescribed. Judgments against said board, how paid

SEC. 17. The said board of education shall have power, and it shall be their duty,

First.—To establish and organize such and so many schools in the several wards of said city, having due reference to the convenience of the inhabitants thereof, as they shall deem requisite and expedient, and to alter and discontinue the same.

Second.—To purchase or hire, with the concurrence of a majority of the finance committee of said board, school houses, and rooms, and lots, and sites for school houses, and to fence and improve the same, as they may deem proper. Powers of the board of education

Third.—With the concurrence of a majority of the finance committe of the board, to build, enlarge, alter, improve and repair school houses as they may deem proper, upon such lots as may be owned or leased by said city for school purposes.

Fourth.—To purchase, exchange, improve, and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools and defray their contingent expenses and the expenses of the district library.

Fifth.—To have the custody and safe keeping of the school houses, outhouses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

Sixth.—To contract with and employ all teachers in the common schools and high school, who shall have been licensed by the superintendent, and at their pleasure to remove them.

Seventh.—To pay the wages of such teachers out of the school moneys which shall be appropriated and provided in said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section seventh of this Act, by tax upon the city.

Eighth.—To defray the necessary contingent expenses of the board, including the salary of the clerk and superintendent.

Powers of the board of education

Ninth.—To have in all respects, the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils, their suspension, expulsion, and transfer from one school to another, to decide upon what text books shall be used in the schools of said city, and generally to promote their good order, prosperity, and public utility.

Tenth.—Whenever, in the opinion of the board, with the concurrence of a majority of the finance committee, it may be advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.

Eleventh.—To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city, connected with, or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to said city council the sums in their opinion necessary or proper to be raised under the seventh section of this act, specifying the sums required for each of the purposes therein mentioned, and the reasons therefor.

Twelfth.—To make all necessary by-laws for their organization, government and manner of transacting business, and as their experience shall deem wise for the conducting and regulating of the schools, and modify and change the same when a majority of the board may think proper.

SEC. 18. The said board of education shall have pow-

er to allow the children of persons not residents within the city, to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition fee that shall be paid therefor; and may require all childred attending the public schools to be vaccinated. Who allowed to attend school

SEC. 19. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of moneys that shall be subject to their order during the then current financial year, for the particular expenditure in question, and not to exceed such amount. Expenditure funds for the current year

SEC. 20. The said board of education shall be trustees of the district library in said city, and all the provisions of law which now are, or may hereafter be passed, relating to district school libraries shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the State, for the purchase of libraries, which is therein conferred upon inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and appoint a librarian; to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto. They may also sell any books they may deem useless or of an improper character, and apply the proceeds to the purchase of other books. Who to be trustees of the district library

SEC. 21. It shall be the duty of the said board, at least fifteen days before the annual election for directors in each year, to prepare and report to the city council true and correct statements of the receipts and disbursements of moneys under and in pursuance of the provisions of this Act, during the preceding financial year; in which account shall be stated under appropriate heads: When said board to make annual report

First.—The moneys received by the board of education under the seventh section of this Act.

Second.—The school moneys received by the treasurer of the city from the county treasurer.

Third.—The moneys received by direct tax.

Fourth.—All other moneys received by the treasurer, subject to the order of the board specifying the sources.

Fifth.—The manner in which such sums of money shall have been expended, specifying the amount paid

under each head of expenditures. And the city council shall, at least ten days before such election, cause the same to be published in at least two of the newspapers published in said city.

Rules and regulations that govern said board

SEC. 22. The said board shall be subject from time to time, to the rules and regulations made by the State Superintendent of Common Schools, so for as the same may be applicable to them, and not inconsistent with the provisions of this Act.

Who to examine applicants for teachers

SEC. 23. The superintendent elected by the board, shall examine all teachers making application for schools, (examinations to be public and in the presence of the board,) shall grant certificates to such persons so examinined, as shall be by him and a majority of the board deemed suitably qualified, and shall carry into effect the ordinances of the city council, and the rules and regulations of the board in reference to the common schools; he shall visit all the common schools of the city, at least once during each month, and report their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign to him. The amount of his compensation shall be determined by the board.

To whom superintendent to make report

SEC. 24. It shall be the duty of the superintendent, between the first and fifteenth days of September, in each year, to make and transmit to the county auditor, or any other officer designated by law to receive the same, a report in writing, bearing date on the first day of September in the year of its transmission—

First—The number of scholars taught within the city, and the length of time the schools have been taught by qualified teachers.

Second.—The total amount of public moneys received for the use and benefit of such schools.

Third.—The number of children residing in the city, on the first day of August preceding, over the age of five and under the age of twenty-one years.

Fourth.—The manner in which the public moneys have been expended, and whether any, and what part remains unexpended, and for what purpose.

Fifth.—The amount of money raised in the city and paid for teachers' wages in addition to the public money raised therefor; the amount of taxes raised for the pur-

chase of school house sites, for building, hiring, purchasing, repairing and insuring school property, for fuel, for district libraries, or for any purpose allowed by law in the said city, since the date of the preceding report, with such other information as the State Superintendent may from time to time require and as may be required by law, so that said city may be entitled to its proportion of the common school fund.

Duty of city council

SEC. 25. The city council of the said city shall have power from time to time to cause to be levied and collected, on the taxable property of the city, such sums, in addition to those provided for in section seven of this Act, as the board of education, with the concurrence of the majority of the finance committee, shall certify to them to be necessary to be raised by tax, for purchasing sites for school houses, erecting and furnishing the same, or altering or repairing them; and such taxes shall be collected and paid over to the treasurer and disbursed by him, in the same manner as other taxes provided for by this Act.

Powers of city council

SEC. 26. The city council of the said city shall have the power, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to, or connected with the schools in said city; and to impose proper penalties for the violation thereof, subject to the limitations and restrictions contained in the Act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this Act.

Power to sell school houses, etc.—when advisable

SEC. 27. Whenever the said board shall report to the city council that it is advisable to sell any of the school houses, lots, or sites, or any of the school property, now or hereafter belonging to the city, the city council shall have the power to sell the same, and upon such terms as the city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of said board, to be expend-

ed by them in purchasing, leasing, repairing or improving other school houses, lots, school furniture, apparatus, or appurtenances.

In whom title vested

SEC. 28. The title of the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property in this Act mentioned, shall be vested in the city of Winona; and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city in its corporate capacity, shall be able to take, hold, and dispose of any personal or real estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same shall be transferred to said city by its proper style or by any other designation, or to any person or persons or body, for the use of said schools.

Powers of trustees in office at the time of the passage of this Act

SEC. 29. The trustees of the school districts within the corporate limits of the city of Winona, who may be in office at the time of the passage of this Act, shall remain in office for the purpose of closing up all the business of the said districts; and for this purpose shall have power to audit all legal claims against their several districts and pay the same out of any moneys belonging to them applicable thereto, and shall be authorized to collect and receive all moneys due them, as now provided by law.

Constitution of joint board—for what purpose

SEC. 30. The trustees of the several boards named in the preceding section shall constitute a joint board for the purpose of hearing and determining the amounts which may be equitably due to any parties who, through any informality may be unable to establish a legal claim against the said districts or either of them, and may allow such claims in whole or in part as may to them appear just and right, and determine from what fund the same shall be paid, and when so determined, the proper officer shall pay the same in the same manner as other claims against the district are by law paid.

Clerks continued in office

SEC. 31. For the purpose of carrying out the provisions of the two preceding sections of this Act, the several clerks of the said districts are hereby continued in office for such time as the joint board of trustees may deem necessary, and shall be authorized to receive and pay out

any moneys and perform other duties as now provided by law.

When to publish meeting of board

SEC. 32. Within ten days after the passage of this Act, the said board of trustees shall give public notice by publication in the newspapers published in the city of Winona, of the times and places, when and where they will meet to hear and determine the matters as provided in section 27 of this Act; and all claims not presented within thirty days after date of such notice shall be forever barred of recovery.

Trustees to make report upon completion of transactions

SEC. 33. Within ninety days after the passage of this Act, the said trustees shall complete all their duties as provided in the preceding sections, and the several boards shall make out and file with the clerk of the board of education, and with the recorder of the city of Winona, a report stating in detail:

First.—All the unsatisfied indebtedness of the district, and to whom due.

Second.—All the property of all kinds belonging to their districts, and to the joint districts.

Third.—All claims due their several districts.

Fourth.—The amount of delinquent special school taxes due their several districts, which report shall be signed by the trustees and the clerk; and shall deliver to the board of education all records, papers and property belonging or appertaining to their several districts.

Provisions for unfinished business

SEC. 34. If at the time of making the report, as provided in the preceding section, any special tax levy shall be in the hands of the clerks of said school districts, or either of them, the same shall be returned to the county auditor, who shall proceed therein as in case of other delinquent taxes.

Who to have control of all matters

SEC. 35. The board of education shall have the same control of all matters transferred to them by the several districts as of other matters, as provided in this Act; and all claims and moneys due the said districts shall accrue to the said board, and payments to be made by said districts shall be paid by the said board; and when the transfer provided for in section thirty three of this Act shall have been made, the powers of the district officers shall cease.

SEC. 36. If at the time the transfer shall be made as provided in section thirty-three, it shall be found by the

Duty of board in case of excess or deficiency

board of education that the value of the assets of either district, or the balance of indebtedness shall exceed that of the other districts to the amount of one or more mills upon the dollar of assessed valuation in such district, as shown by the assessment roll for the year 1860, it shall be the duty of said board to certify that fact to the city council, who shall at the time of levying the next succeeding special school tax, levy an excess of per centage upon the deficient district sufficient to balance its proportionate deficiency; but if the deficiency shall be less than one mill upon the dollar of valuation, no notice shall be taken thereof.

Repeal of acts inconsistent

SEC. 37. All acts or parts of acts, so far as they relate to the city of Winona, inconsistent with this Act, are hereby repealed; and it shall not be necessary to elect any school district trustees in said city from and after the passage of this Act, as heretofore required by law.

When act not to be repealed

SEC. 38. This Act shall not be repealed or affected in any manner by any subsequent Act, unless specifically mentioned or named therein.

Limitation of said board—making improvements

SEC. 39. That the said board of education, and the said finance committee, or either, shall have no power to buy, sell, lease, rent or otherwise dispose of any school house or school houses, or site or sites for school houses, nor expend for altering, enlarging or repairing the school houses in said city or improving the sites thereof to an amount exceeding the sum of one hundred dollars in any one year, unless authority be first given by order or resolution of the city council.

SEC. 40. This Act shall take effect and be in force from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER LXIV.

An Act for the Relief of Joint School District number One of the Towns of Excelsior and Chanhassan, in Hennepin and Carver Counties.

SECTION 1. Tax voted for by said district, declared valid.
2. Authorized to levy and collect tax to pay present indebtedness.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That the tax voted by said school district December 2d, 1859, (said district being then known as school district number 47, in Hennepin county) is hereby declared legal and valid, and the clerk of the district is empowered to collect the same or so much as remains delinquent and unpaid in the manner prescribed by law. Tax declared valid

SEC. 2. That said district is hereby authorized and empowered to assess and collect a tax or taxes, at such times as it may determine, to pay its present indebtedness. Authorized to levy tax—for what purpose

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 5th, A. D, 1861.

CHAPTER LXV.

An Act for the relief of School District number one, in the Town of Bloomington, Hennepin County, and Legalizing the Tax assessed therein for building a School House.

SECTION 1. Taxes assessed and warrants issued for the year 1859, declared valid,
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The tax heretofore assessed in School dis-

Taxes assessed for the year 1859 declared valid

trict number nine (9), in Bloomington, in the county of Hennepin in this State, being now school district number one of said town, for the purpose of building a school house therein, and the warrant issued by the trustees of said district for the collection thereof on the thirteenth day of November 1859, are hereby declared legal and valid; and the clerk of said district is hereby authorized and required, upon a renewal of the said warrant, which the trustees of the said district are hereby authorized to make, to proceed to collect the balance of the taxes, uncollected and delinquent thereon, and make return thereof in the manner prescribed by law.

SEC. 2. This Act shall take effect immediately.

Approved March 7th, A. D. 1861.

CHAPTER LXVI.

An Act to amend an act entitled "an act for the removal of the State Bank of Minnesota," approved March 12, 1860.

SECTION 1. Amendment to the act approved March 12, 1860. Authorized to remove—filing certificate of removal.
2. Lawful place of doing business—to deposit securities with State Auditor.
3. Notes for redemption where to be presented.
4. Privilege of using same plates, impressions and circulating notes.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. An act entitled "an act for the removal of the State Bank of Minnesota," approved March 12, 1860, is hereby amended so that the said act shall read as follows:

Authorized to remove

Sec. 1. It shall be lawful for the State Bank of Minnesota heretofore located and doing business at Austin, in Mower County, and it is hereby authorized to remove its location, office and fixtures to Minneapolis, Hennepin

county, at any time hereafter, by filing in the office of the register of deeds of the said county of Hennepin, and of the Auditor of State, a certificate duly signed and acknowledged by the stockholders of said bank, or a majority thereof, before a notary public, that such location, office and fixtures are so removed. Filing certificate of removal

SEC. 2. After the filing of such certificate according to the provisions of the first section of this Act, the said bank may lawfully do business at Minneapolis, instead of Austin, and shall be entitled to all the privileges and subject to all the liabilities conferred or imposed upon any bank or banking association organized under and pursuant to the provisions of "an act to authorize and regulate the business of banking," approved July 26, 1858, and the acts amending the same; and the said bank after its removal, is hereby authorized to deposit with the State Auditor, securities receivable under the said act in sums not less than one thousand dollars, from time to time, and to receive circulating notes, registered and countersigned as provided in said act, and to withdraw said securities upon a surrender of its circulating notes or any portion thereof, in sums not less than one thousand dollars, from time to time, as the exigencies of its business may require, notwithstanding its notice to the State Auditor of an intention to relinquish its business and any provisions of said act to the contrary. Lawful place of business—to deposit securities with State Auditor

SEC. 3. After such removal of said State Bank of Minnesota, to Minneapolis, as provided in this Act, it shall be lawful to present its circulating notes for redemption at Minneapolis instead of Austin, and said presentation at Minneapolis shall subject the bank to the same liabilities if said notes are not redeemed upon presentation, as said bank is now subject to, upon the presentation of said notes at Austin, but it shall not be lawful for any person to present such circulating notes at Austin, after the removal of said bank to Minneapolis, as authorized by this Act. Notes for redemption where presented

SEC. 4. The plate, impressions and circulating notes now in use by said bank, may be used after the removal of said bank to Minneapolis, with the same force and effect as though the location of said bank remained at Austin, and all the taxation of said bank after such removal shall be at Minneapolis and not at Austin. May use same plate, etc.

SEC. 5. This Act shall take effect immediately.

Approved March 6th, A. D. 1861.

CHAPTER LXVII.

An Act to authorize the Farmer's Bank of Garden City to dispose of its bank note plate.

SECTION 1. Authorized to purchase bank note plate of Farmer's Bank at Garden City—when.
2. Provision for redemption of circulating notes outstanding.
3. State Auditor authorized to make erasure in plate—what. To issue countersigned impressions.
4. Plate shall remain—where.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

When authorized to purchase

SECTION 1. Whenever a bank shall have been organized at Mankato, in the county of Blue Earth, in accordance with the provisions of the general banking law of this State, approved July twenty-sixth (26), eighteen hundred and fifty-eight (1858), and the several acts which have been, or may hereafter be passed, amendatory thereto, under the name and title of the Farmer's Bank, it shall be permitted, and is hereby authorized, to purchase the right title and interest of the Farmer's Bank at Garden City, in and to the bank note plate now held in trust by the Auditor of the State of Minnesota.

Redemption of notes—how redeemed

SEC. 2. Before the said Farmer's Bank of Garden City shall transfer the plate as aforesaid, due provision shall be made, in accordance with law, for the redemption of all its circulating notes, which may still be outstanding.

Auditor to alter plate, etc.

SEC. 3. The State Auditor is hereby authorized, when proof is presented to him that a banking organization has been established at Mankato, as contemplated in the first section of this Act, and that it has purchased from the Farmer's Bank at Garden City, its interest in the bank note plate, to erase from the plate the words "Garden City," and insert the word "Mankato," and thereafter to issue countersigned impressions to the said Farmer's Bank at Mankato, in the same manner and subject to the same restrictions, as if engraving had been done for it upon his order.

SEC. 4 The said plate shall remain in the charge of the State Auditor, as provided by the general banking law. Where plate to remain

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 11th, A. D. 1861.

CHAPTER LXVIII.

An Act Supplementary to an act entitled "An Act to amend an act entitled 'An Act for the removal of the State Bank of Minnesota,'" approved March 12th, 1860.

SECTION 1. What bonds not allowed to be deposited with State Auditor.
2. What notes not to issue or receive.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The State Bank of Minnesota shall not be allowed, after its removal to Minneapolis, to deposit with the auditor "Minnesota State railroad bonds" as a security for its circulating notes. What bonds not allowed to be deposited

SEC. 2. The said bank, after its removal, shall not issue or re-issue any circulating notes containing the word "Austin," and shall alter its plate so as to substitute the word "Minneapolis," instead of the word "Austin" therein. What notes not to issue or receive

SEC. 3. This Act shall take effect immediately.

Approved March 6th, A. D. 1861.

CHAPTER LXIX.

An Act providing for the adoption of George W. Johnson by Charles Pfeiffer and Henriette his wife.

Section 1. Authorised to adopt George W. Johnson.
2. Change of name.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Authorised to adopt

SECTION 1. That Charles Pfeiffer and Henriette Pfeiffer, his wife, shall henceforth, to all intents and purposes, stand in the same relation, respectively, towards said George W. Johnson, as they might or would, if he were their issue, born in lawful wedlock, and shall be entitled to all the rights and privileges and subject to all the duties and obligations, to which they would be entitled and subject were said George W. Johnson their lawful issue, and that said George W. Johnson is hereby made the heir at law of said Charles Pfeiffer and Henriette, his wife, and shall be entitled to all other rights and privileges, and subject to all the duties and obligations to which he would be entitled and subject, if the said Charles Pfeiffer and Henriette, his wife, were his lawful parents.

Change of name

SEC. 2. That the name of said George W. Johnson is hereby changed to that of Charles Pfeiffer, by which name of Charles Pfeiffer he shall hereafter be known and recognized.

SEC. 3. This Act shall take effect from and after its passage.

Approved March 4th, A. D. 1861.

CHAPTER LXX.

An Act to legalize the organization of the First Presbyterian Church of St. Anthony, and to change the name thereof.

SECTION 1. Organization of said church legalized.
2. Change of name.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the organization of the First Presbyterian Church of St. Anthony, be and the same is hereby legalized. Organization legalized

SEC. 2. That the name of the First Presbyterian Church of St. Anthony, be and the same is hereby changed to that of the Andrew Church. Change of name

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved January 30th, A. D. 1861.

CHAPTER LXXI.

An Act to allow the Trustees of the Minnesota Seminary to occupy the North half of the Public Square in Wasioja, for Educational Purposes.

SECTION 1. Authorized to occupy part of public square—for what purpose.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the trustees of the Minnesota Semi-

For what purpose authorized to occupy public square

nary, and their successors, be and they are hereby authorized and empowered to occupy the north half of the public square of the town of Wasioja in the county of Dodge, for public educational purposes only.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 6th, A. D. 1861.

CHAPTER LXXII.

An Act to authorize the Clerk of the District Court of the Sixth Judicial District and County of Sibley to Transcribe the Records of his office.

SECTION 1. Clerk to procure new judgment book or books, and docket. To transcribe—what. Such judgments, records, and docket to be as valid as the original records.
2. County Commissioners to provide for purchase of necessary books—compensation of clerk.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Duty of clerk—what to be as valid as original records

SECTION 1. The Clerk of the District Court of the sixth judicial district and county of Sibley is hereby authorized and required to procure, if necessary, a new judgment book or books and judgment docket book, and such other books as may be required to carry out the provisions of this Act, at the expense of the county of Sibley, and to transcribe all judgments and all entries in any judgment docket, and all the records of the said court, into such new books to be provided, and the said judgment or judgments so transcribed, and the docket of the same and the records transcribed in such new books shall be and remain as valid and of the same force and effect as the original records, and no judgment lien shall be affected or impaired thereby.

SEC. 2. The county commissioners of Sibley coun-

ty shall make provisions for the purchase of the books necessary to carry out the provisions of this Act; and the clerk of said court, for transcribing the records of said court, as provided in this Act, shall be entitled to receive ten cents per folio, to be paid out of the county treasury. Who to provide for books—compensation

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 5th, A. D. 1861.

CHAPTER LXXIII.

An Act for the protection of the Bridge across Rum River at Anoka, in the State of Minnesota.

SECTION 1. Penalty for riding or driving over said bridge faster than a walk.
2. Justices of the peace to issue warrant in certain cases.
3. Upon conviction, to enter judgment and issue execution.
4. Duty of county commissioners.
5. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Any person who shall drive or ride upon the bridge across Rum River at Anoka, in the county of Anoka, in this State, faster than a walk, shall forfeit and pay to the treasurer of said county, as a penalty therefor, the sum of ten dollars for each and every such offence. Penalty—for what

SEC. 2 Upon complaint made to any justice of the peace in said county, that any such offence has been committed, such justice shall examine the complainant on oath, and if it shall appear that such offence has been committed, the said justice shall issue his warrant, reciting the substance of the complaint, requiring the officer to whom it is directed, forthwith to arrest the accused, and to bring him before such justice or some other justice of the same county, to be dealt with according to law. To issue warrants—when

SEC. 3. In all cases of conviction under the provisions of this Act, the justice shall enter judgment for the

When to enter judgment, etc.

fine and costs against the defendant and may commit him until the judgment is satisfied, or issue execution upon the judgment to the use of the said county.

Duty of county commissioners

SEC. 4. It shall be the duty of the commissioners of said county forthwith to provide and cause to be erected at each end of said bridge, at the expense of said county, a conspicuous sign board, upon which shall be painted the following words and figures:

"$10 fine for riding or driving across this bridge faster than a walk."

SEC. 5. This Act shall take effect from and after its passage, *Provided*, That no penalties shall be enforced for a violation of this Act, until said signs shall be so erected.

Approved February 25th, A. D. 1861.

CHAPTER LXXIV.

An Act to amend an act entitled "An Act to Incorporate the St. Paul Water Company," approved May 23d, 1857.

SECTION 1. Amendment to the act approved May 23, 1857. Directors to be chosen—how—term of office—when to commence work—repeal of former acts.
2. Company to issue bonds—for what purpose.
3. Who to be director at all times.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the third section of the act, entitled "an act to incorporate the St. Paul Water Company," approved May 23d, 1857, be amended so that it read as follows:

Directors how chosen—term of office

Sec. 3. That the directors of the said company shall consist of seven persons, to be chosen annually by the stockholders, excepting, that the Mayor of the city of St. Paul, shall, by virtue of his office of Mayor of said city, at all times be one of such directors. And the Directors, legally chosen, may hold over until others are chosen in their

place, and in case of the resignation or death, or other incapacity of any one of such directors, the remaining members of the board may proceed to fill the vacancy for the unexpired term, from among the stockholders.

When to commence work—repeal of former acts

At any election for directors or at any legal stockholders' meeting, each stockholder may vote by proxy or in person. The said directors may make and adopt all such by-laws, rules and regulations, as may be necessary or convenient for the transaction of their business, or for the protection of their corporate property, and may declare fines or penalties for the violation thereof, and may recover the same in an action of debt, in any court having jurisdiction in such cases. They may fix and establish the rates or prices for which they will furnish water to individuals, the manner of furnishing it, and shall have, at all times, the right to enter any premises where pipes or hydrants are located, to examine, repair, or alter the same, and to do all acts and things necessary or convenient to the perfecting and carrying out the objects of the said company. The said company shall have one year from the passage of this Act to commence its work, and shall, within three years, furnish a full supply of water to the citizens of St. Paul; and so much of sections three and seven, of the act hereby amended, as is inconsistent with the provisions of this Act, are hereby repealed.

Company may issue bonds—for what purpose

SEC. 2. The said company may make and issue bonds or notes, to raise money for the building the said water works, and carrying out the objects of the said company, and to secure the same, may make and execute any deed or deeds of their property, rights and franchises, in trust; may make leases of its property for terms of years, reserving rent, and may sell and dispose of any of its real estate or other property, and in the building, management and disposition of its property and business, may have and enjoy all the rights and do all acts which natural persons have, or may have, or do.

Who to be directors at all times

SEC. 3. The Mayor of the city of St. Paul shall at all times, *ex officio*, be a director in said company; and William Lee of St. Paul and William Lamb and Samuel J. Berger, with the three directors now in office shall be directors of said company and until others are chosen in their place.

SEC. 4. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER LXXV.

An Act to extend Rice Street in the City of Saint Paul.

SECTION 1. Commissioners appointed—duty of said Commissioners.
2. Surveying and laying out of said street—how to be conducted.
3. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed—their duty

SECTION 1. That Peter Berkey, J. C. Burbank and George Culver, be, and the same are hereby appointed commissioners to survey and lay out a street, commencing at the head of Rice street, in St. Paul, in the county of Ramsey, near its junction with Rondo street, as heretofore laid out by the city council, and running thence north on the township line between ranges twenty-two and twenty-three, to the limits of the city of St. Paul; said street to be not less than sixty feet wide.

Surveying and laying out of said street, how conducted

SEC. 2. All the proceedings in regard to the surveying and laying out said street, and establishing and opening the same, shall be conducted according to the laws now existing for the surveying, establishing and opening streets in said city of St. Paul, except as to the manner of the appointment of said commissioners, and except also, that section eighteen of an act, entitled an act to amend the charter of the city of St. Paul, approved February twenty-fifth, eighteen hundred and sixty, shall not be applicable to the laying out and establishing the above mentioned street.

SEC. 3. This Act shall take effect from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER LXXVI.

An Act to open Seventh Street, in the City of St. Paul, from St. Peter Street to a connection with Fort Street.

SECTION 1. Commissioners appointed—width of said street.
2. Time and place of meeting of said board—vacancies, how filled.
3. Rules for the government of said board.
4. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Nathaniel McLean, Parker Paine, and Wilson C. Morrison, are hereby appointed commissioners, to lay out and open and extend seventh street, from the west side of St. Peter street to a connection with Fort Street, at or near the Winslow House in said city, which extension of street aforesaid, shall be at least sixty-six feet wide. Commissioners appointed—width of street

SEC. 2. Said commissioners, or a majority of them, shall meet on the first Monday of April next, at the city hall of said city, for the purpose of organizing, and proceeding to lay out and open said extension, *Provided*, If any of said commissioners, from any cause fail to act, it is hereby made the duty of the Mayor of said city to fill such vacancy. Time and place of meeting—vacancies, how filled

SEC. 3. Said commissioners, at the time of their meeting as aforesaid, and until the said extension of seventh street aforesaid is laid out and opened, and the benefits and damages assessed, the said commissioners shall act in accordance with chapter six of the city charter of the said city of St. Paul, which chapter is hereby made, as far as applicable, a part of this Act; *Provided*, That the report of said commissioners shall be final. Rules for the government of said board

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12th, A. D. 1861.

CHAPTER LXXVII.

An Act to amend an act entitled "An Act for the Support and Better Regulation of Common Schools in the City of Saint Anthony."

SECTION 1. Board of Education to establish schools—qualifications of pupils—power of teachers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section six of said act, entitled "an act for the support and better regulation of common schools in the city of St. Anthony," approved February twenty-eighth, one thousand eight hundred and sixty, is hereby amended so as to read as follows:

Section 6. It shall be the duty of said board of education, as soon as they may realize sufficient funds for the purpose, to establish within the bounds of the city corporation of St. Anthony, four or more primary schools, to be located in different parts of the city so as best to accommodate the inhabitants, in which the rudiments of an English education may be taught.

Who to establish schools

It shall be the further duty of said board to establish two or more grammar schools, to be located in different parts of the city, so as best to accommodate the inhabitants, where instruction shall be given in the various studies not provided for in the primary schools, and yet requisite to a respectable English education; and it shall be the further duty of the said board to establish a central high school, where instruction in the higher English branches shall be given, and in which the languages may be taught. To each school in this system there shall be gratuitous admission for the children, wards and apprentices of all residents of the corporate city of St. Anthony, and such other persons in the immediate vicinity, as may own property charged with a direct school tax in said city of St. Anthony, with the following restrictions, namely: No pupil shall be admitted to the grammar school who fails to sustain a thorough examination in the

Qualifications of pupils

studies of the primary schools; and no pupil shall be admitted to the high school who fails to sustain a thorough examination in the studies of the Grammar Schools; and the teacher shall have power in either school, with the advice and direction of the board of education, to exclude for misconduct, in extreme cases, and to classify the pupils as the best good of the school shall seem to require. Power of teachers

Approved January 26th, A. D. 1861.

CHAPTER LXXVIII.

An Act to Authorize the Commissioners of Ramsey County to issue a Duplicate Bond.

SECTION 1. Commissioners authorized to issue duplicate bond—to whom—when. May require bond of indemnity.
2. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the board of commissioners of Ramsey county are authorized to issue to Thompson Brothers, of St. Paul, a duplicate of bond number two hundred and eighty-two (282), upon satisfactory evidence being adduced to the commissioners that said original bond has been lost or destroyed, anything in the act entitled "an act to authorize the commissioners of Ramsey county to issue bonds," approved March sixth, one thousand eight hundred and sixty, to the contrary notwithstanding. Who to issue duplicate bond—to require bond of indemnity.

Provided, That before issuing said duplicate bond, said commissioners may require a bond of indemnity, so as to protect the county against said original bond.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved January 26th, A. D. 1861.

APPENDIX.

JOINT RESOLUTIONS.

PASSED AND APPROVED AT THE THIRD SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE, AND TERMINATING MARCH EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

NUMBER I.

Joint Resolutions on the State of the Union.

Resolved, That one of the vital and necessary principles which form the basis of all free governments, is that the constitutional majority must always rule. And therefore, the right of the people of any State to withdraw from the Union, thereby hazarding the liberties and happiness of the millions comprising this confederacy, can never be acknowledged by us under any circumstances. Joint Resolutions on the State of the Union

We regard secession upon the part of any State as amounting directly to revolution, and precipitating civil war with all its sad train of consequences.

2. *Resolved*, That the people of the State of Minnesota reiterate their unalterable devotion to the Constitution of the United States, and that if its provisions be strictly observed it will, in its own words, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

3. *Resolved*, That Abraham Lincoln and Hannibal Hamlin having been constitutionally and legally elected President and Vice President of the United States, at a general election fully and freely participated in, on the same day, by the people of every State of the Union, South as well as North, that any attempt to dissolve or destroy the Union on account thereof, is without excuse

or justification, and should receive the condemnation of every patriot in the land.

4. *Resolved*, That we have heard with astonishment and indignation of the recent outrages perpetrated at Charleston, South Carolina, by firing upon an American steamer, sailing under the flag of our country, and that we expect of the general government the strongest and most vigorous effort to assert its supremacy and to check the work of rebellion and treason. Fully impressed with our duty to make every possible effort to uphold the Union and to maintain the authority of the general government, we hereby tender to the President of the United States, for that purpose, through the Governor of this State, aid in men and money to the extent of our ability.

When one or more States erect the standard of disunion, and place themselves in military array against the government bequeathed to us by our ancestors, we can discover no other honorable or patriotic recourse than to test, both on land and on ocean, the full strength of the federal authority under our national flag.

Joint Resolutions on the State of the Union

5. *Resolved*, That we declare to each State of this Union our sincere desire to secure a renewal of that fraternal feeling which ought always to exist between citizens of a common country, and which distinguished the history of the nation for more than half a century. Especially do we express to those patriotic citizens of the Southern States, who have nobly and manfully exerted their utmost efforts to prevent the catastrophe of dissolution, our sincere gratitude and highest admiration.

6. *Resolved*, That the most sincere thanks of the nation are justly due to that distinguished patriot and veteran, Lieutenant General Winfield Scott, for the prompt and decisive steps he has taken to stay the tide of revolution, and for the determined spirit he has evinced in maintaining the honor of our Government.

7. *Resolved*, That we will never consent or submit to the obstruction of the free navigation of the Mississippi river from its source to its mouth by any power hostile to the federal government.

8. *Resolved*, That the Governor of this State is hereby requested to transmit a copy of these resolutions to the President of the United States, to Lieutenant General Winfield Scott, and to each of our Senators and Rep-

resentatives in the Congress of the United States, and to the Governors of the several States.

Approved January 22d, A. D. 1861.

NUMBER II

Joint Resolutions.

Resolved by the Legislature of the State of Minnesota,

That it is the sentiment of the people of our State, that in any and all schemes for the construction of a Pacific Railroad, the best interests of the country—especially of the entire northwest—strongly demands the building of a northern railroad, and that we earnestly urge upon our Senators and Representatives in Congress, the continuance of all laudable efforts to accomplish this highly important object. In relation to the construction of the Pacific Railroad

Resolved, That the interests of trade and commerce imperatively demand, in addition to the northern road above named, that a road, as part of said railroad system, be constructed from the west end of Lake Superior, to and up the valley of the Minnesota river, and thence southwesterly, so as to connect with the central branch of said Pacific road.

Resolved, That the Governor of the State is hereby requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Approved January 26th, A. D. 1861.

NUMBER III.

Joint Resolutions.

By the Legislature of the State of Minnesota,

For the relief of the starving inhabitants of Kansas

Resolved, by the Legislature of the State of Minnesota, That the Delegation in Congress from this State, be and they are hereby requested to use their utmost endeavors to procure an appropriation by Congress, for the relief of the starving inhabitants of Kansas.

Resolved, That the Governor be requested to transmit at once, to said delegation, the substance of the above resolution.

Approved February 16th, A. D. 1861.

NUMBER IV.

Joint Resolutions.

By the Legislature of the State of Minnesota,

Resolutions of congratulation to the State of Tennessee

Resolved, That the House of Representatives, with the concurrence of the Senate, tender their earnest congratulations to the loyal, true State of Tennessee, for the patriotic position she has taken in arraying herself against the spirit of secession, and in favor of the perpetuity of the Union of the States.

Resolved, That we rejoice in this manifestation of loyalty by her people, in thus recognizing that unfaltering devotion to the Union, which ever animated the heart of her illustrious Patriot and Statesman, Andrew Jackson, and which, like the mantle of Elijah, has fallen upon the

shoulders of her living statesmen, her Etheridges, her Nelsons, and her Johnsons.

Resolved, That the Governor of the State is hereby requested to immediately transmit a copy of the above resolutions, to the Governor and Legislature of the State of Tennessee.

Approved February 16th, A. D. 1861.

NUMBER V.

Joint Resolution of the Senate and House of Representatives of the State of Minnesota, Relating to Change of County Lines hitherto proposed.

Whereas, No provision of law has hitherto existed for the sufficient publication of the adoption, by the people of organized counties, of changes in the county lines, proposed since the adoption of the State Constitution,

Relating to change of county lines hitherto proposed

Resolved, That the county auditor of each and every county in the State, in which a vote has been or should have been taken upon any question of division of county, or change of county lines, since the adoption of the Constitution of the State, is hereby required, before the first day of June next, to make and return to the office of the Secretary of State, a certified statement of the votes of his county upon each and every such question. And the Governor is hereby authorized to make proclamation of such changes of county lines as have been adopted by the majority of the electors of the counties affected thereby.

Approved March 8th, A. D. 1861.

NUMBER VI.

Joint Resolution, authorizing the Chairman of the Board of Regents, to protect the University Lands.

Whereas, Information has been received by the Regents of the University, that depredations have been recently commenced, on the valuable timber lands selected by the Regents of the University, in the neighborhood of Morristown:

Authorizing chairman board of Regents to protect university lands

Resolved, By the Legislature of the State of Minnesota: That the said Regents be authorized to employ some proper person to visit the said locality and to prosecute trespassers upon the timbered University lands.

Approved February 15th, A. D. 1861.

MEMORIALS.

PASSED AND APPROVED AT THE THIRD SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE, AND TERMINATING MARCH EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

NUMBER I.

A Memorial to Congress for an Appropriation of Money for Improving the Mississippi River, from a point near the Mouth of the Minnesota River, to Sauk Rapids.

To the Honorable the Senate and House of Representatives, in Congress assembled:

Your Memorialists, the Legislature of the State of Minnesota, respectfully represent: That the navigation of the Mississippi River, a short distance below the mouth of the Minnesota, or St. Peter River and the Falls of St. Anthony, a distance of about seven miles by the said Mississippi River is, especially during the season of low water, so obstructed by rocks and other impediments, as to render it difficult and hazardous for navigation; but that by the appropriation and proper outlay of a reasonable sum of money, the said river, between the points designated, could be rendered easily navigable during the entire season for the largest class steamboats used on the Upper Mississippi; that within the last few years, the citizens of St. Anthony and Minneapolis have expended for the improvement of said river, between the points aforesaid, more than ten thousand dollars, and at one time had a line of steamboats established to and from Fulton City.

To Congress for an appropriation for the purpose of improving the Mississippi River in certain places

During one season of navigation, after the establishment of these boats, there was as high as fifty-two steamboat arrivals at the landings of St. Anthony and Minneapolis, and from the same nearly six thousand tons of freight were delivered. Since the arrivals of that particular season, several thousand tons more of goods have been delivered in the same way, and in the mean time, immense quantities of produce, including wheat, potatoes, rye, oats and corn have been shipped for the southern and eastern markets at these places, notwithstanding the serious obstructions to navigation mentioned.

To Congress for an appropriation for the purpose of improving the Mississippi River in certain places

It is a well known fact, however, that a far greater number of steamboats would have visited these places during the period named, had the river been in such a condition as to allow boats to run regularly during the season of navigation in each year.

Your Memorialists further represent that the navigation of the Mississippi River, between the said Falls of Saint Anthony and Sauk Rapids, a distance by water of about ninety miles, is obstructed by rocks and sand bars at several places to such an extent as to prove a serious impediment to steamboat navigation during a large portion of the summer and fall season.

Notwithstanding these difficulties, private enterprise has caused the running of two steamboats for several years, during the navigable season between these points.

With a suitable appropriation made by Congress, and judiciously expended, it is very evident that these obstructions could be removed, and this important channel of commerce rendered navigable during the entire season of navigation.

The following are some of the reasons which your memorialists respectfully, but earnestly, press upon your attention as furnishing the most ample grounds, in their judgment, for the appropriations herewith solicited:

First,—The immediate region of country watered by that portion of the Mississippi, desired to be improved, is already of vast agricultural, manufacturing and commercial importance.

Sauk Rapids, Saint Cloud, Clearwater, Monticello, Dayton, Anoka, Minneapolis and Saint Anthony, are all important and flourishing towns and cities along this portion of the river.

Sauk Rapids affords an excellent water power, and for

this, the Falls of Saint Anthony has long since obtained a just and wide spread celebrity.

As a means of furnishing lumber for building purposes, its development is strongly demanded by large portions of Missouri, Iowa, Illinois and Wisconsin, as well as southern, middle and western Minnesota. The rich and extended agricultural valleys of Sauk River and Crow River, (important tributaries of this section of the Mississippi), with their constantly increasing surplus productions, are directly interested in the use and improvement of this great channel of commerce.

The valley of the Red River of the North, which promises soon to undergo rapid development, also looks to this part of the Mississippi as a great aid in reaching a southern and eastern market.

Second,—A valuable and constantly increasing trade has commenced with the celebrated Selkirk Settlement, in the British Possessions on the Red River.

The restrictive policy so long pursued by the Hudson Bay Company has at last been changed, and the door thrown open to all the benefits of a lively competition. The old and expensive lines of communication by Hudson's Bay and Rainy Lake are about abandoned, and the immense amount of merchandise now designed for the Selkirk region is carried by way of St. Paul, and from thence almost through the heart of Minnesota.

To Congress for an appropriation for the purpose of improving the Mississippi River in certain places

The vast quantity of goods now transported by the Hudson Bay Company from Saint Paul to Saint Cloud, would all seek the Mississippi River, in case it was in a suitable navigable condition. The more expensive and tedious mode of transporting by teams would soon be comparatively abandoned for the benefits of steamboat navigation.

The British Government and people would seek this channel in their intercourse with their northwestern possessions, especially since steamboat navigation, through American enterprise, has been introduced on the Red River.

Great benefits would certainly accrue to the United States Government in the removal of these obstructions to free navigation, by the better and cheaper facilities afforded for transporting supplies to our military posts at Forts Ripley and Abercrombie; also to the different Indian tribes in the north and northwest.

That portion of Minnesota so much interested in the improvement of this section of the Mississippi, has increased largely in population within the last few years, and holds out greater promises than ever for the future.

Third,—The importance of rendering the Mississippi River ultimately navigable to the nearest practicable point to its source is becoming more evident each succeeding year. This stream far transcends any other on the globe in the breadth and value of its commercial interests.

It is eminently the great national river of our country, and ought to be regarded with the highest concern by every quarter of the Union.

If the construction of a grand Pacific railway, linking together the great interests of the Atlantic and Pacific, is considered a matter of wise national policy, are these not the most potent reasons, also, why a proper share of attention should be given by the General Government to this mighty central channel or northern and southern intercourse?

To Congress for an appropriation for the purpose of improving the Mississippi River in certain places

It has its rise far in the interior of Minnesota. Six hundred and sixty-three miles of its length lies within our own State limits; an additional one hundred and thirty-four miles washes our eastern boundary, making seven hundred and ninety-seven miles in all, properly belonging to and connected with our State.

The immense distance of twenty-nine hundred miles is traversed from its source to its mouth at the Gulf of Mexico, gathering and distributing, in its majestic course, the commerce of over a dozen States of the Union, having an aggregate population of more than thirteen millions of people.

Fourth,—This portion of the Mississippi for which aid is asked, has never been the recipient of any favors at the hands of the General Government. Not a dollar has ever been given for this purpose; in fact, the same may be said concerning this river, for many hundred miles below the Falls of St. Anthony.

Those engaged in commercial pursuits have been left to struggle with the perils and dangers of navigation, along with many other difficulties attendant upon the settlement of a new country.

During all this time, liberal and generous appropriations have been made by Congress for rivers and streams

in other sections of the country, of far less magnitude and importance in a commercial point of view.

So has it been in regard to our seaboards of the east and south in the line of munificent donations, to improve harbors, to build piers and lighthouses, to survey our coasts, and to protect our commerce.

For the promotion of these great interests, the northwest has always been found a willing and generous friend.

During the many years that she has thus aided other sections of the country in obtaining full and just encouragement from the National Government, she has at the same time made the largest contributions to the Federal Treasury.

By her great consumption of foreign imports, she has contributed about one-half the annual revenue of the General Government, in comparison with which, all the National expenditures ever made for the benefit of any quarter of her extended domain is insignificant.

To Congress for an appropriation for the purpose of improving the Mississippi River in certain places

Although fully conscious of her just claims to a reasonable proportion of our national benefits, the Great West has patiently and perseveringly advanced in the face of all obstacles.

Believing that the time, however, is now at hand, when it must be clearly apparent that a more liberal policy should be adopted by Congress, especially with regard to objects of absolute national interest, your Memorialists call for this appropriation with great confidence that it will be granted.

The new impetus which would be given to the cause of agriculture, manufactures, and commerce, by such an act upon the part of Congress, would soon demonstrate the wisdom of such a step, to every section of the country.

Your Memorialists, therefore, ask that an appropriation of forty thousand dollars be made for the improvement of that portion of said river described below the Falls of St. Anthony, and the further sum of fifty thousand dollars to improve the same between said Falls and Sauk Rapids—

And your Memorialists will ever pray.

Approved January 19th, A. D. 1861.

NUMBER II.

A Memorial to Congress for an Appropriation of money for Improving the St. Croix River, from the Head of Lake St. Croix, to Taylor's Falls.

To the Honorable the Senate and House of Representatives in Congress assembled:

To Congress for an appropriation for improving the St. Croix River

Your Memorialists, the Legislature of the State of Minnesota, respectfully represent, That the Saint Croix River, during the season of low water, is so obstructed by rocks and sand bars, as to render the navigation difficult and hazardous; but that by the appropriation and proper outlay of a small sum of money, the said river, between the points designated, could be rendered easily navigable during the entire season for the largest class steamboats used on the Upper Mississippi; and would open a thoroughfare of inland communication to a rich agricultural district, now fast settling up, facilitate the transportation of the mails; and afford to the settlements embraced in the country tributary to the Saint Croix, the exports of which, alone, the past season, notwithstanding the obstruction from low water, reached the sum of half a million of dollars, the speedy development of the various resources of that section of the country, abounding in lumber, agriculture, and mineral wealth, besides affording facilities for reaching the trade and commerce of Lake Superior, and affording to the Government a more speedy access to that region.

Your Memorialists therefore ask that an appropriation of twenty-five thousand dollars ($25,000) be made for the improvement of said river.

And your Memorialists will ever pray.

Approved January 30th, A. D. 1861.

NUMBER III.

A Memorial to the President of the United States for increase of Mail Service.

To the President of the United States:

The Memorial of the Legislature of the State of Minnesota, respectfully represents, that the public interests of this State require a better mail service on the route from St. Paul to Superior. A mail once a week between these points is wholly insufficient. The business on this route has so much increased, that for general convenience a tri-weekly mail is again necessary. We therefore respectfully ask that you will re-establish a tri-weekly mail between the points above named.

For increase of mail service

Approved March 5th, A. D. 1861.

NUMBER IV.

A Memorial in Relation to a Special Mail Agency for the State of Minnesota.

To the President of the United States:

We, your Memorialists, do most respectfully represent that irregularity of the mail service in this State requires a more efficient supervision in that branch of the public business, than is afforded by the facilities already existing.

That in many instances, by the connection of several

For special mail agency for the State of Minnesota

routes, two or more mails are forwarded over the same route at an unnecessary expense.

That the expense, delay, and confusion now incident to the mail service would be greatly diminished by a more direct superintendence by the Government.

That the necessities of the inhabitants of the State imperatively demand a change in this particular.

Your memorialists would therefore, respectfully suggest and urge the appointment of a Special Mail Agent, for the State of Minnesota, or such other action on the part of the Government as will remedy and correct the existing abuse.

Approved January 24th, A. D. 1861.

NUMBER V.

A Memorial to Congress for the establishment of a Mail route from St. Cloud in the State of Minnesota, to the city of Superior in the State of Wisconsin.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Legislature of the State of Minnesota would respectfully represent:

To establish a mail route from St. Cloud to the city of Superior

That the present mail facilities afforded to the people of Superior, are entirely insufficient to meet their wants.

That the commercial interests connected with lake Superior, demand an increase of mail facilities; and

That the establishment of a mail route with semi-weekly service thereon from St. Cloud to Superior city, would form one of the most important mail routes in this State.

Wherefore, your Memorialists, the Legislature of the State of Minnesota, most earnestly and respectfully ask that the mail route may be established as above specified and mail service ordered thereon.

Approved February 15th, A. D. 1861.

NUMBER VI.

A Memorial to Congress for the Establishment of a Mail Route from Garden City in Blue Earth County State of Minnesota, via Gray's, Fairmount and Tuttle's, to Spirit Lake in the State of Iowa.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The Legislature of the State of Minnesota would respectfully represent:

That a great inducement for immigration and settlement in a new country, is the early establishment of mail routes and postal facilities.

That affording the pioneer direct and accessible mail facilities with the east, removes one of the greatest privations experienced by the early settlers, and induces others to join him in making it their homes.

To establish a mail route from Garden City to Spirit Lake

That although mail routes in sparsely settled counties, may not pay, in a pecuniary sense, yet it may more than double pay by the more speedy settlement and advancement of the country.

And would further represent, that a large portion of our country, lying chiefly within the bounds of our own State, between Garden City, Blue Earth county, State of Minnesota, and Spirit Lake, in the State of Iowa, is without convenient and acceptable mail facilities, and thereby the settlers in that locality have not the means of communication with the east, and the settlement and advancement of that country is impaired and hindered.

Therefore your Memorialists, the Legislature of the State of Minnesota, would respectfully ask for the immediate establishment of a mail route commencing at Garden City, in Blue Earth county, in the State of Minnesota, by the way of Gray's, in town one hundred and five, (105) north, of range twenty-eight (28) west, Fairmount, the county seat of Martin county, and Tuttles, to Spirit

Lake, in the State of Iowa, and mail service ordered thereon.

And your Memorialists will ever pray.

Approved March 4th, A. D. 1861.

NUMBER VII.

A Memorial to the Congress of the United States for a Post Route.

The Legislature of the State of Minnesota respectfully represents:

That the settlers in the vicinity of Lake Superior, Crow Wing, Otter Tail City, Georgetown and intermediately, have opened and are improving a direct line of road through the above localities. That the increasing products of the region traversed by the above route, find market according to the demand at the military and trading posts of the northwest and the mining districts of Lake Superior. That the business, in the estimation of the memorialists, of the route demands mail facilities to accommodate the present residents, and that such facilities will encourage the settler, induce immigration, and develope the natural resources of that locality. That a weekly mail from Duluth, *via* Oneota, Fondulac, Superior, Crow Wing, Chippewa Agency, Wadena, Leaf City, and Otter Tail City, to Georgetown on Red River, will meet the present wants of the settlers and at an early day be remunerative to the Post Office Department.

For post route

Approved March 2d, A. D. 1861.

NUMBER VIII.

Memorial of the Legislature of Minnesota to the President of the United States.

To the President of the United States.

The Memorial of the Legislature of the State of Minnesota respectfully represents:

That mail route number 13,503, by which the mail is carried daily between Saint Paul in this State and La Crosse in the State of Wisconsin during the close of navigation on the Mississippi River, is one of great importance to the whole State of Minnesota, and a large portion of Northern Wisconsin. To the President of the United States

That it is the grand trunk route which furnishes the region named with its southern and eastern mail facilities, it being, during the winter, the only outlet in the direction named.

That the increasing population and growing business interests of this State demand that an effort should be made to expedite the transmission of the important mail matter carried over said route; that by the terms of the present contract, forty-eight hours are allowed for carrying said mail between the points above named.

Your Memorialists further state, that it is believed that the distance can be made in thirty-six hours, and that the public welfare and private interests would be greatly promoted thereby.

Your Memorialists therefore respectfully urge that an effort be made to perfect arrangements for the more rapid transmission of the mails over said route, and that the present contract time be reduced from forty-eight to thirty-six hours, if upon inquiry it is ascertained that the same can be done upon just and reasonable terms.

Approved February 23d, A. D. 1861.

NUMBER IX.

A Memorial to Congress for the establishment of a Mail Route from Lake City, in Wabashaw County, to Austin in Mower County.

To the Senate and House of Representatives of the United States in Congress assembled:

Your Memorialists, the Legislature of the State of Minnesota, respectfully ask: That a mail route may be established in the State of Minnesota, from Lake City, in Wabashaw County, *via* Rochester, High Forest, Root River, Mower City and Lansing, to Austin in Mower County. Said route is through a thickly settled portion of country whose mail facilities are very deficient, and the revenue therefrom, it is believed, would nearly or quite reimburse the Government for the expense incident to the establishment thereof. Between the points of Lake City, Rochester and High Forest, much business of a mercantile character is carried on, the latter being a market for much of the produce through which said route would pass, and the deficiency of the mail service on the route is the cause of great embarrassment to persons doing business between the places in question. Your Memorialists therefore respectfully ask of Congress the establishment of the mail route herein described, with tri-weekly mail service thereon.

For the establishment of a mail route from Lake City to Austin

And your Memorialists will ever pray.

Approved February 28th, A. D. 1861.

NUMBER X.

A Memorial to the President of the United States, for increase of Mail Service.

The Memorial of the Legislature of Minnesota, respectfully represents, That the public interest of this State require more mail service on the route from Winona to Rochester, *via* New Boston, Utica, St. Charles and Greenfield. For increase of mail service

We therefore respectfully ask your favorable consideration.

Approved March 2d, A. D. 1861.

NUMBER XI.

A Memorial to the President of the United States, for increase of Mail Service.

To the Honorable, the President of the United States:

The Memorial of the Legislature of the State of Minnesota, respectfully represents: That the public interests of this State require mail service on a portion of the Big Sioux and Mendota road. We therefore respectfully ask that you will establish such service at least twice each week; commencing at St. Paul and serving the following offices, viz: West St. Paul, Eagantown, Rosemont, Lakeville and Christiana, in Dakota County; Hazelwood, Union Lake, Millersburgh and Shieldsville in Rice County; Kilkenney, Cordova, Cleveland and Kasota, in Le Sueur County, and Mankato in Blue Earth County. We also respectfully petition you to establish a mail route and For increase of mail service

mail service from Pine Bend in Dakota County, to Rosemont, Lakeville, Eureka, Greenwich and Waterford in said county, and from said Waterford by way of Sciota, Castle Rock and Empire City to said Pine Bend, at least once each week.

Approved February 28th, A. D. 1861.

NUMBER XII.

A Memorial to the President of the United States for a daily Mail from Prescott, Wisconsin, via Afton, Lakeland, Stillwater and Marine, to Taylor's Falls.

To the President of the United States:

The Memorial of the Legislature of the State of Minnesota respectfully represents:

That the present postal facilities of the Saint Croix Valley are entirely inadequate to the wants of the people.

For a daily mail from Prescott to Taylor's Falls

The rapid increase of inhabitants and consequent increase of business in the entire valley imperatively demand additional mail facilities.

Your Memorialists, therefore, respectfully ask that a daily mail may be established from Prescott, Wisconsin, *via* Afton, Lakeland, Stillwater, and Marine, to Taylor's Falls. Your Memorialist would ask that said daily mail may be carried by Steamboats which ply daily between the above named points during the season of navigation, and by land carriage at other periods of the year.

Your Memorialists would further represent, that by the establishment of this daily route, the mail would be received throughout the entire valley, as well as at Superior and all northern Wisconsin, and northeastern Min-

nesota, two days in advance of the present mail arrangement.

And your Memorialists, as in duty bound, will ever pray.

Approved February 21st, A. D. 1861.

NUMBER XIII.

A Memorial for a Mail Route in Steele, Waseca, and Blue Earth Counties.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Legislature of the State of Minnesota respectfully represents:

That the citizens of Steele, Waseca, and Blue Earth counties in said State would be greatly accommodated by the establishment of a tri-weekly mail route from Owatonna in Steele county *via* Wilton, St. Marys, and Winnebago Agency in Waseca county, to Mankato in Blue Earth county. The proposed route is in a westerly direction and is about forty-five miles in length, through an improved and settled agricultural region and over good roads. The country to be supplied is constantly increasing in population by immigration; and your Memorialists believe that the establishment of the route will both encourage the settlement of the public lands and be a source of revenue.

For a mail route in Steele, Waseca and Blue Earth counties

Approved February 25th, A. D. 1861.

NUMBER XIV.

A Memorial to Congress for an Appropriation of Money to aid in the construction of a Road from St. Cloud via Alexandria and Breckenridge, to Ft. Abercrombie, on the west bank of the Red River of the North.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your Memorialists, the Legislature of the State of Minnesota, respectfully, but earnestly represent, That a suitable road from St. Cloud, in Stearns County, in this State, by way of Alexandria and Breckenridge, to Fort Abercrombie, on the west bank of the Red River of the North, is urgently demanded.

For an appropriation to construct a road from St. Cloud to the Red River of the North

This route during the past year has been used almost exclusively by the vast number of teams going in the direction of the Selkirk Settlement and the Red River. Experience has shown it to be the best and most feasible route. The supplies for the Hudson's Bay Company are carried over it, also the Government supplies for Ft. Abercrombie and the Indian tribes in the north west of this State, as well as for those in Dakota Territory.

At present there are but few settlers along the line of this road, to aid in keeping it in repair. The citizens of Douglas and Stearns counties have already expended near three thousand dollars in efforts to improve the road. The route as at present used is about one hundred and eighty miles in length, but by a reasonable appropriation of money by Congress, used in the construction of bridges, and in filling and grading, the distance could be lessened at least forty miles.

The General Government having manifested so great an interest in the proper improvement of this important line of communication, we trust there will be no reluctance in granting our request.

Understanding that the Post Master General has a contingent fund under his control for the use of such roads, we respectfully ask that a portion of it, say to the amount

of ten thousand dollars, may be set apart and appropriated for the use of the improvement aforesaid.

And your Memorialists will ever pray.

Approved March 1st, A. D. 1861.

NUMBER XV.

Memorial to Congress, and Joint Resolutions, asking that the Lands reserved for the uses of a Territorial University, under the Act of February 19th, 1851, may be donated for the benefit of said Territorial University.

To the Congress of the United States:

The Memorial of the Legislature of the State of Minnesota respectfully represents:

That the Territory of Minnesota established a University in 1851; and that the Regents of the Territorial Institution contracted debts, relying on the proceeds of the lands reserved for the use of said Territorial University, under the act of Congress of February 19th, 1851, and duly selected, for the liquidation of the same.

Asking donation of lands for the benefit of Territorial University

Your Memorialists, therefore, pray that the lands reserved for the Territorial University, under the provisions of said act, may be donated by Congress for the use of said University.

Resolved,—That the Governor of the State forward a certified copy of the foregoing Memorial and Joint Resolution to each of our senators and representatives in congress, and that they be requested to use their influence to procure the speedy passage of an act vesting the title in the State to the lands above mentioned, already reserved and selected by an act of congress.

Approved March 6th, A. D. 1861.

STATE OF MINNESOTA,

OFFICE OF THE SECRETARY OF STATE.
Saint Paul, March 12th 1861.

I hereby certify that the foregoing Laws, Joint Resolutions and Memorials have been compared with the originals on file in this office, and that the same are true and correct copies thereof.

J. H. BAKER, *Secretary of State.*

REPORT OF STATE TREASURER.

OFFICE OF THE STATE TREASURER,
St. Paul, Minn., Jan. 7th, 1861.

To the Legislature of the State of Minnesota:

In compliance with the law of August 12th, 1858, requiring the State Treasurer "to annually report to each branch of the Legislature, on the third day of their session, the state of the public accounts and the funds, exhibiting the amount by him received, the amount paid out during the preceding year, and the balance remaining in the treasury," I lay before you a full and detailed statement of all moneys received into and paid out of the treasury, during the year 1860. State Treasurer's report

I have also prepared a statement, showing the probable expenses of the government for the year 1861, which will enable you to ascertain the necessities of the State for the present year.

The floating debt of the State, on the first day of January, 1860, was large. As the report of the Auditor of State, made to the last Legislature in December, 1859, could not embrace the transactions of that department during the month of December, 1859, I make the following estimate of the indebtedness of the State on the first of January, 1860, for which State warrants had either been issued or were issued soon afterwards:

Indebtedness of the State on the first day of January, 1860

Amount of warrants outstanding on the first of December, 1859, as per report of the Auditor,	$35,270 00
Warrants issued December 14th, 1859, to pay interest on State loan, due Jan. 1st, 1860,	10,000 00
Undrawn balance of appropriations made previous to the year 1860, - - -	5,000 00

Per diem and mileage of the Legislature for the month of December 1859, - - -	14,000	00
Printing expenses for December, 1859, -	5,000	00
Territorial bonds outstanding, and interest,	4,300	00
Arrearages for the years 1858 and 1859, for details, see appropriation bills, approved February 3d and March 12th, 1860, -	9,512	88
Issued to Normal Schools, in January, 1860, under act passed August 2d, 1858, -	4,000	00
	$87,082	88
Deduct amount collected by the State Treasurer during the month of December, 1859,	1,683	34
Makes the floating debt of the State on the 1st of January, 1860, - - - - -	85,399	54

Amount of State warrants outstanding

The amount of State warrants outstanding on the first of January, 1861, is - - including 11,000 dollars issued for the payment of the interest due Jan. 1st 1861.	51,314	44
Add to this the undrawn balances of last year's appropriations, estimated at - -	8,000	00
And the current expenses of the State during the year 1861, and the interest due July 1st, 1861 - - - - - - - -	90,000	00
And it makes the amount required to cancel the whole indebtedness of the State, up to the first of January, 1862, excepting the eight per cent. State loan, - -	$149,314	44

The receipts of the Treasury from the first day of December, 1859, to the first day of January 1861, were as follows:

Receipts of the Treasury

Taxes collected during December 1859, -	1,683	34
Taxes collected during the year 1860, -	111,918	53
Amount received from Treasurer of the United States, in payment of appropriation of Congress, made June 17th, 1860,	24,805	09
Amount received from Treasurer of the United States, on account of the five per cent. fund of the proceeds of sales of public lands, - - - - - - - - -	91	50

Amount received from treasurer of Washington county, on account of grass on school lands, - - - - - - - - -	$10 00	
	$138,508 46	

The resources of the State are:

Delinquent taxes due on the first of January 1861, - - - - - - - - -	216,594 22	Resources of the State
State tax for the year 1860, - - - -	147,013 53	
Total, - - - - - - - -	$363,607 75	

In the month of August last, at the request of the Governor, I proceeded to Washington, to receive the amount of appropriation made by Congress on the 17th of June, 1860. The sum appropriated was -	26,000 00	
Of which 1,194.91 dollars had been drawn by the Territorial officers during the year 1857, leaving a balance of - - - -	24,805 09	
Which I disbursed as follows:		
Paid on account of interest, exchange and expense on 8 per cent. State loan, -	19,800 11	
Paid Territorial bonds and interest, - - -	4,515 19	

I make the following estimate of the expenses of the Government during the year 1860:

Executive Department, - - - - -	$18,500 00	
Judicial Department, - - - - -	19,200 00	Expenses during the year 1860
Legislative Expenses during January, February and March, 1860, - - - -	37,400 00	
Printing Expenses, - - - - - -	14,000 00	
State Prison, - - - - - - - -	4,000 00	
	$93,100 00	
Add Interest and Expenses on State Loan,	20,900 00	
Total, - - - - - - - -	$114,000 00	

The appropriation for the payment of the principal and interest of Territorial Bonds, issued by act of the Territorial Legislature, approved May 23d, 1857, was insuffi-

cient. This fund has been overdrawn $305.19, for which a special appropriation will be required.

Additional legislation is necessary to ensure the prompt payment of the annual interest on the eight per cent. State Loan. The Constitution requires that the Legislature shall levy a tax annually to pay the annual interest of the State debt, but this clause has never been complied with. The consequence has been, that during the last year there were no funds in the Treasury at the time the interest became due in New York, compelling the Treasurer to borrow the money at a heavy expense to the State. To avoid this in future, I would respectfully recommend, that when you determine the rate of taxation for the year 1861, one mill thereof be directed to be collected in gold or silver, and be credited Interest Fund, and used for no other purpose. I further recommend that the Treasurer be authorized to retain of the moneys which may be received this year in payment of the State tax, a sufficient amount to meet the interest on State Loan, due July 1st, 1861, and January 1st, 1862.

Duty of the Legislature as required by the Constitution

In conclusion, allow me to express the conviction, that if the system of retrenchment and economy inaugurated during the last year, is rigidly persisted in, we shall be enabled to cancel nearly every, if not entirely, the floating debt of the State, and the warrants on the Treasury, will again be as they always should have been, equal to gold and silver.

Respectfully submitted,
CHARLES SCHEFFER,
State Treasurer.

ESTIMATE OF THE EXPENSES OF THE STATE GOVERNMENT, FOR THE YEAR 1861.

EXECUTIVE DEPARTMENT.

Governor's Office.

Estimate expenses of the State Government for the year 1861—Governor's office

Governor's Salary, - - - - - -	$1,500
Governor's Contingent Fund, - - - -	1,000
Postage, Stationery, and other incidentals, -	250
Governor's Private Secretary, salary, -	400
	$3,150

Secretary's Office.

Secretary's Salary,	$1,200	Secretary's office
Postage, Stationery, and other incidentals,	200	
Salary for Clerk,	600	
	$2,000	

Auditor's Office.

Auditor's Salary,	$1,000	Auditor's office
Postage, Stationery, and other incidentals,	200	
Salary for Clerks,	1,000	
	$2,200	

State Treasurer's Office.

Treasurer's Salary,	$1,000	Treasurer's office
Postage, Stationery and other incidentals,	200	
Salary for Clerk,	600	
	$1,800	

Attorney General's Office.

Attorney General's Salary,	$1,000	
Postage, Stationery, and other incidentals,	100	Attorney General's office
Salary for Clerk,	200	
	$1,300	

State Librarian.

Salary of the Librarian,	$600	State Librarian
Postage, Stationery, and other incidentals,	100	
Salary for Clerk,	50	
	$750	

Commissioner of Statistics.

For Printing Annual Report,	$510	Commissioner of Statistics
Postage, Stationery, and other incidentals,	100	
	$610	

Office of the Adjutant General.

Adjutant General's salary,	$400	
Postage, Stationery, and other incidentals,	100	Adjutant General
	$500	

Miscellaneous.

Miscellaneous	Capitol keeper and porter,	$ 600
	Distributing Laws,	100
	Printing for State Officers, Bank and School departments, etc.,	1,000
	Wood and lights, for Legislature and State Officers,	800
	Conveying convicts to State Prison,	1,000
	County Treasurers' mileage,	600
	Other incidentals,	2,000
		$6,100

Making the total expenses of the Executive department, eighteen thousand four hundred and ten dollars.

THE JUDICIAL DEPARTMENT.

Supreme Court.

Judicial Department—Supreme Court	Salaries of Judges,	$6,000
	Clerk's salary,	600
	Reporter's salary,	400
	Stationery, postage and other incidentals,	400
		$7,400

District Court.

District Court	Salaries of the Judges,	$12,000

Making the total expenses of the State Judiciary nineteen thousand four hundred dollars.

LEGISLATIVE.

Legislative Department	Per diem of the members of the Senate and House of Representatives, Officers, etc., for sixty days,	$15,000
	Mileage of the Members,	2,000
	Newspapers for the Members,	2,000
	Stationery,	800

Printing for Legislature, etc., - - -	$12,000
	$31,800

Making the total expenses of the Legislature thirty-one thousand eight hundred dollars.

STATE PRISON.

Salaries of the Warden and Clerk, - -	$1,000	State Prison
Salaries of the Inspectors, - - -	100	
Salary of the Chaplain, - - - -	50	
Salary of the Physician, - - - -	150	
For clothing and bedding, - - - -	1,000	
Salaries for Guards, - - - -	1,200	
Fuel and lights, - - - - - -	500	
Other incidentals, - - - - -	1,000	
	$5,000	
Interest on State loan of $250,000, - -	$22,000	

RECAPITULATION.

Expenses of the Executive Department, -	$18,410	
Expenses of the Judicial Department, -	19,4 0	
Expenses of the Legislative Department, -	31,800	Recapitulation
Expenses of the State Prison, - -	5,000	
Interest on State loan, - - - -	22,000	
Total expenses, - - - - -	$96,610	

RECEIPTS.

1860. *Anoka County.*

Mar. 20.	Paid by County Treasurer on account of tax, 1859,	$ 851	75	
Oct. 27.	Paid by County Treasurer on account of tax, 1859,	627	00	$1,478 75

Receipts—Anoka County

Benton County.

Benton County	Jan. 10. Paid by County Treasurer on account of tax, 1857,	$420	00	
	Jan. 10. Paid by County Treasurer on account of tax, 1857,	12	00	
	Aug. 6. Paid by County Treasurer on account of tax, 1859,	612	00	$1,044 00

Blue Earth County.

Blue Earth County	Mar. 16. Paid by County Treasurer on account of tax, 1859,	1,800	00	
	Aug. 29. Paid by County Treasurer on account of tax, 1859,	400	00	2,200 00

Brown County.

	Mar. 7. Paid by County Treasurer on account of tax, 1859,	500	20	
Brown County	May 8. Paid by County Treasurer on account of tax, 1859,	201	00	701 20

Carver County.

	Mar. 23. Paid by County Treasurer on account of tax, 1859,	1,071	40	
Carver County	Sep. 12. Paid by County Treasurer on account of tax, 1858	25	00	
	Sep. 12. Paid by County Treasurer on account of tax, 1859,	25	50	1,121 90

Crow Wing County.

Crow Wing County	Feb. 27. Paid by County Treasurer on account of tax, 1858,	104	00	
	Feb. 27. Paid by County Treasurer on account of tax, 1859,	44	00	148 00

Chisago County.

Chisago County	Feb. 23. Paid by County Treasurer on account of tax, 1858,	212	14	
	Apr. 10. Paid by County Treasurer on account of tax, 1859,	1,591	56	
	Sep. 12. Paid by County Treasurer on account of tax, 1859,	1,158	90	
	Dec. 11. Paid by County Treasurer on account of tax, 1858,	92	96	
	Dec. 11. Paid by County Treasurer on account of tax, 1859,	31	04	3,086 60

Dakota County.

Mar. 8.	Paid by County Treasurer on account of tax, 1859,	$3,632	17		Dakota County
Mar. 8.	Paid by County Treasurer on account of tax, 1859,	95	00		
Dec. 17.	Paid by County Treasurer on account of tax, 1859,	1,751	28	$5,478	45

Dodge County.

Mar. 5.	Paid by County Treasurer on account of tax, 1859,	1,399	35		Dodge County
Mar. 8.	Paid by County Treasurer on account of tax, 1859,	27	00		
Jne. 14.	Paid by County Treasurer on account of tax, 1859,	302	00		
July 2.	Paid by County Treasurer on account of tax, 1859,	131	50	1,859	85

Faribault County.

Apr. 12.	Paid by County Treasurer on account of tax, 1859,	750	00		Faribault County
Dec. 15.	Paid by County Treasurer on account of tax, 1859,	122	00	872	00

Fillmore County.

Mar. 5.	Paid by County Treasurer on account of tax, 1859,	5,108	11		
Mar. 5.	Paid by County Treasurer on account of tax, 1858,	66	45		Fillmore County
Aug. 15.	Paid by County Treasurer on account of tax, 1858,	153	90		
Aug. 15.	Paid by County Treasurer on account of tax, 1859,	645	69	5,974	15

Freeborn County.

Apr. 17.	Paid by County Treasurer on account of tax, 1859,	966	00	966	00 Freeborn County

Goodhue County.

Jan. 4.	Paid by County Treasurer on account of tax, 1858,	101	00		Goodhue County
May 16.	Paid by County Treasurer on account of tax, 1857,	16	15		
May 16.	Paid by County Treasurer on account of tax, 1858,	11	06		
May 16.	Paid by County Treasurer on account of tax, 1859,	4,342	51		

	Sep. 19. Paid by County Treasurer on account of tax, 1859,	$751	61	$5,222	33
	1859. *Hennepin County.*				
	Dec. 16. Paid by County Treasurer on account of tax, 1858,	1,144	75		
	1860.				
Hennepin County	Feb. 10. Paid by County Treasurer on account of tax, 1858,	612	89		
	Feb. 24. Paid by County Treasurer on account of tax, 1859,	2,648	18		
	Mar. 15. Paid by County Treasurer on account of tax, 1859,	754	50		
	Mar. 15. Paid by County Treasurer on account of tax, 1858,	2,944	00		
	Mar. 15. Paid by County Treasurer on account of tax, 1859,	376	03		
	Apr. 27. Paid by County Treasurer on account of tax, 1859,	1,168	20		
	Apr. 23. Paid by County Treasurer on account of tax, 1859,	1,595	33		
	July 13. Paid by County Treasurer on account of tax, 1859,	2,462	38		
	Oct. 1. Paid by County Treasurer on account of tax, 1859,	1,055	00		
	Dec. 22. Paid by County Treasurer on account of tax, 1859,	563	15	15,324	41
	Houston County.				
Houston County	Apr. 21. Paid by County Treasurer on account of tax, 1858,	1,385	59		
	Apr. 21. Paid by County Treasurer on account of tax, 1859,	3,139	45		
	Aug. 21. Paid by County Treasurer on account of tax, 1858,	343	70		
	Aug. 21. Paid by County Treasurer on account of tax, 1859,	437	20		
	Nov. 30. Paid by County Treasurer on account of tax, 1859,	500	00	5,805	94
	Kandiyohi County.				
Kandiyohi County	Mar. 15. Paid by County Treasurer on account of tax, 1859,	30	00	30	00
	Kannabec County.				
Kannabec County	Oct. 13. Paid by County Treasurer on account of tax, 1859,	283	36	283	36

	Le Sueur County.			
Feb. 29.	Paid by County Treasurer on account of tax, 1859,	$72 00		Le Sueur County
Mar. 31.	Paid by County Treasurer on account of tax, 1859,	1,128 00		
June 15.	Paid by County Treasurer on account of tax, 1859,	460 93	1,660 93	
	Martin County.			
Mar. 15.	Paid by County Treasurer on account of tax, 1859,	7 68		Martin County
Apr. 23.	Paid by County Treasurer on account of tax, 1859,	50 00	57 68	
1859.	*McLeod County.*			
Dec. 24.	Paid by County Treasurer on account of tax, 1858,	32 04		
1860.				McLeod County
May 2.	Paid by County Treasurer on account of tax, 1859,	166 16		
July 6.	Paid by County Treasurer on account of tax, 1859,	96 00		
Dec. 7.	Paid by County Treasurer on account of tax, 1859,	105 55	399 75	
	Meeker County.			
Feb. 17.	Paid by County Treasurer on account of tax, 1859,	398 57	398 57	Meeker County
	Morrison County.			
Jan. 30.	Paid by County Treasurer on account of tax, 1858,	143 00		Morrison County
Jan. 30.	Paid by County Treasurer on account of tax, 1859,	75 00		
Feb. 21.	Paid by County Treasurer on account of tax, 1859,	200 00		
Mar. 12.	Paid by County Treasurer on account of tax, 1857,	36 95		
Mar. 12.	Paid by County Treasurer on account of tax, 1859,	237 00	691 95	
	Mower County.			
Aug. 16.	Paid by County Treasurer on account of tax, 1859,	1,800 00		Mower County
Nov. 13.	Paid by County Treasurer on account of tax, 1859,	16 00		

	Oct. 21. Paid by County Treasurer on account of tax, 1859,	$3 00		
	Dec. 13. Paid by County Treasurer on account of tax, 1859,	205 00		2,024 00
	Nicollet County.			
Nicollet County	Apr. 12. Paid by County Treasurer on account of tax, 1859,	1,719 13		
	Dec. 28. Paid by County Treasurer on account of tax, 1859,	220 76		1,939 89
	Olmsted County.			
Olmsted County	Aug. 15. Paid by County Treasurer on account of tax, 1859,	3,100 93		
	Nov. 21. Paid by County Treasurer on account of tax, 1859,	243 00		3,343 93
	1859. *Pine County.*			
Pine County	Dec. 19. Paid by County Treasurer on account of tax, 1858,	260 80		
	1860.			
	Jan. 11. Paid by County Treasurer on account of tax, 1858,	35 21		
	Jan. 30. Paid by County Treasurer on account of tax, 1859,	133 50		
	Mar. 8. Paid by County Treasurer on account of tax, 1859,	20 00		
	Mar. 15. Paid by County Treasurer on account of tax, 1859,	5 00		
	Apr. 19. Paid by County Treasurer on account of tax, 1859,	266 15		
	July 17. Paid by County Treasurer on account of tax, 1859,	248 00		
	July 17. Paid by County Treasurer on account of tax, 1859,	736 95		
	Nov. 23. Paid by County Treasurer on account of tax, 1859,	205 30		1,910 91
	Ramsey County.			
Ramsey County	Jan. 20. Paid by County Treasurer on account of tax, 1859,	5,745 72		
	Feb. 25. Paid by County Treasurer on account of tax 1859,	2,242 10		
	Mar. 6. Paid by County Treasurer on account of tax, 1859,	1,359 75		

Mar. 12.	Paid by County Treasurer on account of tax 1859,	$163 00		
Mar. 12.	Paid by County Treasurer on account of tax, 1859,	1,304 10		
Mar. 31.	Paid by County Treasurer on account of tax, 1859,	900 00		
Apr. 6.	Paid by County Treasurer on account of tax, 1858,	111 98		
Apr. 6.	Paid by County Treasurer on account of tax, 1859,	550 00		
May 3.	Paid by County Treasurer on account of tax, 1859,	1,204 79		
May 26.	Paid by County Treasurer on account of tax, 1859,	700 00		
June 12.	Paid by County Treasurer on account of tax, 1859,	1,460 73		
July 6.	Paid by County Treasurer on account of tax, 1859,	890 45		
Sep. 12.	Paid by County Treasurer on account of tax, 1859,	650 72		
Oct. 18.	Paid by County Treasurer on account of tax, 1859,	269 00		
Nov. 24.	Paid by County Treasurer on account of tax, 1859,	652 37		
Dec. 31.	Paid by County Treasurer on account of tax, 1859,	799 01	19,008 72	
1859.	*Rice County.*			
Dec. 31.	Paid by County Treasurer on account of tax, 1858,	195 75		Rice County
1860.				
Feb. 23.	Paid by County Treasurer on account of tax, 1859,	1,000 00		
Mar. 5.	Paid by County Treasurer on account of tax, 1859,	471 00		
Mar. 12.	Paid by County Treasurer on account of tax, 1859,	2,054 56		
Aug. 24.	Paid by County Treasurer on account of tax, 1859,	735 00		
Dec. 26.	Paid by County Treasurer on account of tax, 1859,	446 00	4,902 31	
	Saint Louis County.			
July 21.	Paid by County Treasurer on account of tax, 1859,	60 00	60 00	St. Louis County

Scott County.

Scott County	Jan. 30. Paid by County Treasurer on account of tax, 1858,	$28 00	
	Jan. 30. Paid by County Treasurer on account of tax, 1859,	622 30	
	Mar. 7. Paid by County Treasurer on account of tax, 1859,	1,647 50	
	Dec. 26. Paid by County Treasurer on account of tax, 1859,	302 62	2,600 42

Sherburne County.

1859.			
Sherburne County	Dec. 13. Paid by County Treasurer on account of tax, 1857,	50 00	
1860.			
	Feb. 28. Paid by County Treasurer on account of tax, 1859,	185 20	
	Sep. 26. Paid by County Treasurer on account of tax, 1857,	21 73	
	Sep. 26. Paid by County Treasurer on account of tax, 1859,	631 37	888 30

Sibley County.

Sibley County	Feb. 29. Paid by County Treasurer on account of tax, 1858,	44 00	
	Feb. 29. Paid by County Treasurer on account of tax, 1859,	885 00	
	Dec. 22. Paid by County Treasurer on account of tax, 1859,	136 00	1,038 00

Stearns County.

	Jan. 3. Paid by County Treasurer on account of tax, 1858,	70 56	
Stearns County	Apr. 5. Paid by County Treasurer on account of tax, 1859,	1,200 00	
	Oct. 31. Paid by County Treasurer on account of tax, 1859,	133 00	1,403 56

Wabashaw County.

Wabashaw County	Feb. 11. Paid by County Treasurer on account of tax, 1859,	50 00	
	Feb. 27. Paid by County Treasurer on account of tax, 1859,	1,979 25	
	May 5. Paid by County Treasurer on account of tax, 1859,	494 00	
	Aug. 15. Paid by County Treasurer on account of tax, 1859,	595,53	3,118 78

Waseca County.

Jan. 26.	Paid by County Treasurer on account of tax, 1859,	$277	00		Waseca County
Feb. 4.	Paid by County Treasurer on account of tax, 1858,	11	00		
Feb. 24.	Paid by County Treasurer on account of tax, 1859,	330	80		
Aug. 16.	Paid by County Treasurer on account of tax, 1859,	85	00	703	80

Washington County,

Feb. 2.	Paid by County Treasurer on account of tax, 1859,	1,115	20		Washington County
Mar. 28.	Paid by County Treasurer on account of tax, 1859,	4,328	16		
Mar. 28.	Paid by County Treasurer on account of tax, 1859,	397	30		
June 23.	Paid by County Treasurer on account of tax, 1859,	1,574	81		
Sep. 4.	Paid by County Treasurer on account of tax, 1859,	387	46		
Dec. 21.	Paid by County Treasurer on account of tax, 1859,	332	85	8,135	78

Winona County.

Apr. 5.	Paid by County Treasurer on account of tax, 1859,	4,135	00		Winona County
Sep. 27.	Paid by County Treasurer on account of tax, 1859,	2,614	00	6,749	00

Wright County.

Mar. 23.	Paid by County Treasurer on account of tax, 1859,	949	15		
Apr. 24.	Paid by County Treasurer on account of tax, 1859,	24	50	973	65
Sep. 4.	Am't rec'd from Treasurer of Washington County, grass on School Land,	10	00	10	00
Sep. 29.	Am't rec'd from Treasurer of U. S. on acc't of five per cent. fund,	91	50	91	50
Oct. 1.	Am't rec'd from Treasurer of U. S. in payment of appropriation by Con-				

gress, made June 17th, 1860,	$24,805 09	24,805 09	
Total, - - - - - -			$138,508 46

DISBURSEMENTS.

Territorial Bond Fund; appropriated Feb. 2, March 20, June 29, and Aug. 12, 1858, amount paid Auditor warrants, -		$4,210 00
Governor's Salary; appropriated March 20, and August 12, 1858, amount paid Auditor warrants. - - - - - -		1,433 34
Treasurer of State's Salary; appropriated March 20 and August 12, 1858, amount paid Auditor warrants, - - -		125 00
Auditor of State's Salary; appropriated Mar. 20 and Aug. 12, 1858, amount paid Auditor warrants, - - - - -		281 34
Attorney General's Salary; appropriated March 20 and August 12, 1858, amount paid Auditor warrants, - - - -		311 75
Judges of Supreme Court; appropriated March 20 and August 12, 1858, and February 17, 1860, amount paid Auditor warrants, - - - - - - -		4,757 34
Judges District Court; appropriated March 20, August 12, 1858, and Feb. 17, 1860, amount paid Auditor warrants, - -		13,290 00
Auditor Clerk; appropriated July 23, 1858, amount paid Auditor warrants, -		410 00
Auditor's Contingent Fund; appropriated March 20, and August 12, 1858, amount paid Auditor warrants, - - -		750 57
Treasurer's Contingent Fund; appropriated March 20, and August 12, 1858, amount paid Auditor warrants, - - -		64 00
Interest Fund; appropriated March 20, Aug. 11, 1858, Dec. 14, 1859, and March 15, 1860, amount paid Auditor warrants,		20,973 11

W. F. Wheeler; appropriated Feb. 3, 1860, amount paid Auditor warrants, - -	$237	50
Newspaper Fund; appropriated March 20, and Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	33	99
State Librarian; appropriated Aug. 12, 1858, amount paid Auditor warrants, - -	70	00
Prosecuting Attorneys; appropriated Aug. 12, 1858, amount paid Auditor warrants,	2,042	29
Executive Contingent Funds; appropriated August 12, 1858, amount paid Auditor warrants, - - - - - - - -	2,240	42
Assistant Secretary of State; appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	241	78
County Treasurers' Mileage; appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	31	40
Attorney General's Contingent, appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	422	75
Supreme Court Contingent; appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	132	65
Warden of Penitentiary, appropriated Aug. 12, 1858, amount paid Auditor warrants,	25	00
Deputy Warden, Clerk and Inspector, appropriated Aug. 12, 1858, amount paid Auditor warrant, - - - - - -	378	71
Penitentiary repairs, appropriated Aug. 12, 1858, amount paid Auditor warrants, -	183	48
Territorial or State officers, appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	133	00
Incidental printing and binding, appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - - - -	30	99
Contingent incidental printing and binding, appropriated Aug. 12, 1858, amount paid Auditor warrants, - - - - - -	758	65
Publication of laws, appropriated Aug. 12, 1858, amount paid Auditor warrants, -	20	00
Code Commissioners, appropriated Aug. 12, 1858, amount paid Auditor warrants, -	81	25

Disbursements

Disbursements

Incidental Legislative expenses, appropriated Aug. 12, 1858, amount paid Auditor warrants,	$63 50
Bank Department, Auditor's office, appropriated Aug. 12, 1858, amount paid Auditor warrants,	140 00
State Prison, appropriated March 10, 1860, amount paid Auditor warrants, and amount paid Auditor's warrants, in accordance with Sec. 46, Prison Laws, approved Aug. 2, 1858,	1,946 64
Legislative Fund, appropriated Feb. 11, March 20, June 29, 1858, amount paid on certificates of officers,	252 30
R. A. Smith, appropriated Feb. 3, 1860, amount paid Auditor warrants,	120 00
O. King, appropriated Feb. 3, 1860, amount paid Auditor warrants,	40 00
Clerk of Supreme Court, appropriated March 20, Aug. 12, 1858, and Feb. 17, 1860, amount paid Auditor warrants,	724 01
Public Statutes, per act approved Aug. 12, 1858, Sec. 3, amount paid Auditor warrants,	4,910 00
State Treasurer's salary, appropriated Feb. 17, 1860, amount paid Auditor warrants,	500 00
Secretary of State, appropriated Aug. 12, 1858, amount paid Auditor warrants,	385 00
Militia Officer's Act, approved August 12, 1858, Section 37, amount paid Auditor warrants,	811 64
George W. Moore, appropriated March 12, 1860, amount paid Auditor warrants,	560 16
George W. Baker, appropriated March 12, 1860, amount paid Auditor warrants,	119 58
D. H. Tyner, appropriated March 12, 1860, amount paid Auditor warrants,	81 00
A. J. Van Vorhes, appropriated March 12, 1860, amount paid Auditor warrants,	50 36
Red Wing Republican, appropriated March 12, 1860, amount paid Auditor warrants,	49 00
Minnesota Posten, appropriated March 12, 1860, amount paid Auditor warrants,	40 00

Howard and Pendergast; appropriated Mar. 12, 1860, amount paid Auditor warrants,	31	00
H. W. Holley; appropriated Mar. 12, 1860, amount paid Auditor warrants, - -	17	00
J. D. Rich, appropriated March 12, 1860, amount paid Auditor warrants, - -	25	00
J. A. Wheelock, appropriated Mar. 12, 1860, amount paid Auditor warrants, - -	36	25
Rufus King, appropriated March 12, 1860, amount paid Auditor warrants, - -	51	50
Bartlett Presley, appropriated Mar. 12, 1860, amount paid Auditor warrants, -	52	50
C. C. Miles, appropriated March 12, 1860, amount paid Auditor warrants, - -	48	45
C. L. Grant, appropriated March 12, 1860, amount paid Auditor warrants, -	175	00
Pioneer Printing Company, appropriated March 12, 1860, amount paid Auditor warrants, - - - - - - - -	6	48
James Shephard, appropriated March 12, 1860, amount paid Auditor warrants,	20	00
Aaron Goodrich, appropriated March 12, 1860, amount paid Auditor warrants, -	500	00
Board of County Commissioners Dodge Co., appropriated March 12, 1860, amount p'd Auditor warrants, - - - - -	104	50
John Bell, appropriated March, 12, 1860, amount paid Auditor Warrants, - -	345	00
Capitol Keeper, appropriated July 20, 1858, amount paid Auditor warrants, -	100	00
Supreme Court Reporter, appropriated Mar. 12, 1860, amount paid Auditor warrants,	325	00
Printing and preparing journals, appropriated March 10, 1860, amount paid Auditor warrants, - - - - - - - -	1,150	00
Printing General and Special Laws, appropriated March 10, 1860, amount paid Auditor warrants, - - - - - -	794	60
Printing for State Officers etc., appropriated March 10, 1860, amount paid Auditor warrants, - - - - - - - -	90	55
Locating University Lands, appropriated March 10, 1860, amount paid Auditor warrants, - - - - - - - -	92	00

Disbursements

Report Commissioner Statistics, appropriated March 10, 1860, amount paid Auditor warrants, - - - - - - -	300 00
W. H. Shelley, appropriated Mar. 10, 1860, amount paid Auditor warrants, -	5 50
J. S. Palmer, appropriated March 10, 1860, amount paid Auditor warrants, - -	5 50
Expenses of Sheriffs, appropriated March 10, 1860, amount paid Auditor warrants,	476 80
Publication of Laws, appropriated March 10, 1860, amount paid Auditor warrants,	304 50
Newspaper fund, appropriated March 10, 1860, amount paid Secretary's warrant,	2,527 86
Rotary Mill Company, appropriated March 10, 1860, amount paid Auditor warrants,	8 00
Luke Miller, appropriated March 10, 1860, amount paid Auditor warrants, - -	29 00
R. L. Nichols, appropriated March 10, 1860, amount paid Auditor warrants, - -	70 90
Smith, Goodrich & Allis, appropriated March 10, 1860, amount paid Auditor warrants,	64 80
I. N. Cardozo, appropriated March 10, 1860, amount paid Auditor warrants, - -	27 00
C. E. Mayo, appropriated March 10, 1860, amount paid Auditor warrants, - -	39 95
F. Schultz & Co., appropriated March 10, 1860, amount paid Auditor warrants, -	23 35
Per Diem Presidential Electors, appropriated March 10, 1860, amount paid Auditor warrants, - - - - - - -	20 00
Governor's Private Secretary, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - - -	354 76
Legislative Fund, appropriated Jan. 10, and Feb. 17, 1860, amount paid Auditor warrants, - - - - - - -	30,686 28
Territorial Printing, appropriated March 14, 1860, amount paid Auditor warrants, -	9,240 58
Auditor's Clerk, appropriated March 8, 1860, amount paid Auditor warrants, - -	585 00
Secretary's Clerk, appropriated March 8, 1860, amount paid Auditor warrants, -	492 00
Treasurer's Clerk, appropriated March 8, 1860, amount paid Auditor warrants,	600 00

Attorney General's Clerk, appropriated Mar. 8, 1860, amount paid Auditor warrants,	75	00	
J. H. Felch, appropriated Feb 3, 1860, am't paid Auditor warrants, - - - -	1,491	00	
Incidental Printing, appropriated Feb. 17, 1860, amount paid Auditor warrants,	7,376	95	
Attorney General, appropriated February 17, 1860, amount paid Auditor warrants,	745	00	
Secretary of State, appropriated February 17, 1860, amount paid Auditor warrants,	1,003	00	
Executive Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - - - -	947	31	
Secretary's Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - - - -	128	70	
Governor's Salary, appropriated February 17, 1860, amount paid Auditor warrants,	1,190	87	Disbursements
Supreme Court Reporter, appropriated Feb. 17, 1860, amount paid Auditor warrants,	400	00	
State Librarian, appropriated February 17, 1860, amount paid Auditor warrants, -	455	00	
First Normal School, appropriated August 2, 1858, amount paid Auditor warrants,	750	00	
Auditor's Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - - - -	57	50	
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Attorney General's Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - -	22	00	
Supreme Court Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - - - -	80	13	
State Library Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - - - - -	13	00	
Commissioner of Statistics Contingent Fund, appropriated March 8, 1860, amount paid Auditor warrants, - - - - -	97	00	

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	Fuel and lights, appropriated March 8, 1860, amount paid Auditor warrants,	253 20
	Distribution of Laws, appropriated March 8, 1860, amount paid Auditor warrants,	75 00
	Auditor's Salary, appropriated February 17, 1860, amount paid Auditor warrants,	518 75
	Expedition to Wright County, appropriated March 12, 1860, amount paid Auditor warrants,	2,328 00
	Edward Shields, appropriated March 12, 1860, amount paid Auditor warrants,	22 50
	Eugene Bernand, appropriated March 12, 1860, amount paid Auditor warrants,	128 00
	C. H. Schurmeier, appropriated March 12, 1860, amount paid Auditor warrants,	450 00
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	W. W. Bacon, appropriated March 12, 1860, amount paid Auditor warrants,	605 00
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		138,846 84

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